

November 27, 2017

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Submitted by e-mail to [heather.menne@acl.hhs.gov](mailto:heather.menne@acl.hhs.gov)

Agency Information Collection Activities; Public Comment Request; Redesign of Existing Data Collection;  
National Survey of Older Americans Act Participants (FR document number 2017–20460; 82 FR 44800)

Dear Ms. Menne,

NASW appreciates the opportunity to comment on the notice issued by the Administration for Community Living (ACL) in the Federal Register on September 26, 2017. This letter follows up on the comments NASW submitted to ACL on May 12, 2017,<sup>1</sup> and to OMB on July 20, 2017,<sup>2</sup> in response to the administration's proposed changes to the 2017 National Survey of Older American Act Participants (NSOAAP) and to the 2017 NSOAAP Revised, respectively.

NASW commends ACL for its decision to restore a demographic question about sexual orientation within the NSOAAP 2017 Revised and to retain that question in the proposed NSOAAP 2019. The longitudinal survey design proposed for 2019 will enhance ACL's ability to identify the needs and goals of OAA participants. So, too, will the opportunity to add a rotating topical module to collect information on emerging issues, such as client experiences with discrimination based on age, sexual orientation, race, or other characteristics. NASW applauds ACL for these advances.

At the same time, NASW is distressed that the administration continues to deny transgender older adults an opportunity to identify themselves in the proposed 2019 version of the NSOAAP. The administration's latest proposal is at odds with NASW's commitment to recognizing and celebrating the cultural diversity of America's older population—and with our commitment to ensuring that no older person experiences discrimination. In recent years, ACL has made significant progress in addressing the needs of transgender older adults. However, that progress has been impeded by the administration's decision to omit data collection on gender identity within the NSOAAP. This exclusion impedes the Aging Network's ability to serve *all* members of the community for whom the Older Americans Act (OAA) was intended.

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<sup>1</sup> McClain, A. (2017, May 12). *NASW comments to the Administration for Community Living regarding modification of the National Survey of Older Americans Act Participants* [Letter]. Retrieved from <http://www.socialworkers.org/LinkClick.aspx?fileticket=oqjYFSLyCDI%3d&portalid=0>

<sup>2</sup> McClain, A. (2017, July 20). *NASW comments to the Office of Management and Budget regarding modification of the National Survey of Older Americans Act Participants* [Letter]. Retrieved from [http://www.socialworkers.org/LinkClick.aspx?fileticket=g\\_7j2NIaKA8=&portalid=0](http://www.socialworkers.org/LinkClick.aspx?fileticket=g_7j2NIaKA8=&portalid=0)

NASW shares ACL’s commitment to implementing the Older Americans Act. As the largest membership organization of professional social workers in the United States, with more than 120,000 members, NASW works to enhance the professional growth and development of its members, to create and maintain professional standards, and to advance sound social policies. The association is a long-standing advocate for OAA reauthorization and funding.<sup>3</sup> Social workers throughout the Aging Network provide OAA-funded services to older adults, including transgender older adults. Social workers who work outside the Aging Network, such as in health care and housing services settings, routinely refer transgender older adults to the Aging Network for OAA-funded services.

Several foundational NASW documents—the *Code of Ethics*,<sup>4</sup> the *Standards and Indicators for Cultural Competence in Social Work Practice*,<sup>5</sup> and the “Aging and Wellness” policy statement<sup>6</sup>—emphasize the association’s support and advocacy for transgender older adults. Most pertinent to the NSOAAP, NASW’s “Transgender and Gender Nonconforming People” policy statement calls for “inclusion of TGNC individuals in health surveys and data collection, census data, and public health monitoring data at state and national levels through inclusion of questions on gender identity (*independent of sexual orientation*) [emphasis added].”<sup>7</sup>

Consequently, maximizing service access, equity, and quality to transgender older adults in OAA-funded programs is a high priority for NASW. For this reason, the association opposes the administration’s proposal to erase transgender older adults from the 2019 NSOAAP. The survey provides critical data on whether select Title III programs (case management, homemaker and transportation services, the National Family Caregiver Support Program, and congregate and home-delivered meals) reach all older adults, including those who identify as transgender. Moreover, the survey yields invaluable data about older adults’ self-reported physical, social, and emotional well-being.

As stated within ACL’s March 2017 notice about the proposed 2017 NSOAAP, the survey tracks performance outcomes in OAA-funded programs and informs program development.<sup>8</sup> NASW shares ACL’s commitment to evidence-informed service delivery. If the administration does not allow transgender older adults to self-identify in the NSOAAP, however, the Aging Network will not be able to assess its effectiveness in meeting the needs of the full community. This exclusion will also counter the call for more robust data on the population served by the Aging Network.<sup>9</sup> Similarly, it will be at odds with the need for data on service delivery to LGBT older adults a

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<sup>3</sup> National Association of Social Workers. (2016). *Support increased funding for the Older Americans Act to enhance older adults’ dignity, health, and independence* [Issue brief]. Retrieved from <http://www.socialworkers.org/Advocacy/Policy-Issues/Older-Americans-Act>

<sup>4</sup> National Association of Social Workers. (2017). *Code of ethics of the National Association of Social Workers*. Retrieved from <http://www.socialworkers.org/about/ethics/code-of-ethics>

<sup>5</sup> National Association of Social Workers. (2015). *Standards and indicators for cultural competence in social work practice*. Retrieved from <http://www.socialworkers.org/LinkClick.aspx?fileticket=7dVckZAYUmk%3d&portalid=0>

<sup>6</sup> National Association of Social Workers. (2017). Aging and wellness. In *Social work speaks: Policy statements of the National Association of Social Workers, 2015–2017* (10th ed., eBook Update Spring 2017, pp. 10–18). Washington, DC: NASW Press.

<sup>7</sup> National Association of Social Workers. (2017). Transgender and gender nonconforming people. In *Social work speaks: Policy statements of the National Association of Social Workers, 2015–2017* (10th ed., eBook Update Spring 2017, pp. 54–62). Washington, DC: NASW Press.

<sup>8</sup> Agency Information Collection Activities; Proposed Collection; Public Comment Request; Proposed Extension With Modifications of a Currently Approved Collection; National Survey of Older Americans Act Participants, 82 FR 13457 (March 13, 2017).

<sup>9</sup> Choi, S. K., & Meyer, I. H. (2016). *LGBT aging: A review of research findings, needs, and policy implications*. Retrieved from <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Aging-A-Review.pdf>

need stressed by the Institute of Medicine<sup>10</sup> and underscored, implicitly and explicitly, in Healthy People 2020.<sup>11,12,13,14</sup>

The importance of such data collection is accentuated by the following research findings, which have been compiled in the recently released report *Understanding Issues Facing LGBT Older Adults*.<sup>15</sup>

- Nearly one-half of transgender older adults live at or below 200% of the federal poverty level.<sup>16</sup>
- One in four transgender adults age 45 through 75 faces housing discrimination based on gender identity,<sup>17</sup> and transgender individuals—especially women—encounter high rates of employment discrimination throughout their working lives.<sup>18</sup>
- Transgender individuals age 50 or older, especially women, are less likely to be married or partnered than are their cisgender counterparts,<sup>19</sup> and their social support systems tend to be less robust than those of their cisgender peers.<sup>20</sup>
- Transgender people often face health complications as they age or if they transition later in life.<sup>21</sup> In particular, transgender adults age 50 or older are more likely to experience poor physical health, disability, symptoms of depression, and perceived stress than are their cisgender peers.<sup>22</sup> Yet, transgender people of all

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<sup>10</sup> Institute of Medicine. (2011). *The health of lesbian, gay, bisexual, and transgender people: Building a foundation for better understanding*. Retrieved from <http://nationalacademies.org/hmd/reports/2011/the-health-of-lesbian-gay-bisexual-and-transgender-people.aspx>

<sup>11</sup> U.S. Department of Health and Human Services, Office of Disease Prevention and Health Promotion. (2017). *2020 topics and objectives: Lesbian, gay, bisexual, and transgender health. Overview*. Retrieved from <https://www.healthypeople.gov/2020/topics-objectives/topic/lesbian-gay-bisexual-and-transgender-health>

<sup>12</sup> U.S. Department of Health and Human Services, Office of Disease Prevention and Health Promotion. (2017). *2020 topics and objectives: Lesbian, gay, bisexual, and transgender health. Objectives*. Retrieved from <https://www.healthypeople.gov/2020/topics-objectives/topic/lesbian-gay-bisexual-and-transgender-health/objectives>

<sup>13</sup> U.S. Department of Health and Human Services, Office of Disease Prevention and Health Promotion. (2017). *2020 topics and objectives: Older adults. Overview*. Retrieved from <https://www.healthypeople.gov/2020/topics-objectives/topic/older-adults>

<sup>14</sup> U.S. Department of Health and Human Services, Office of Disease Prevention and Health Promotion. (2017). *2020 topics and objectives: Older adults. Objectives*. Retrieved from <https://www.healthypeople.gov/2020/topics-objectives/topic/older-adults/objectives>

<sup>15</sup> Movement Advancement Project & SAGE. (2017). *Understanding issues facing LGBT older adults*. Retrieved from <http://lgbtmap.org/understanding-issues-facing-lgbt-older-adults>

<sup>16</sup> Fredriksen-Goldsen, K. I., Cook-Daniels, L., Kim, H.-J., Erosheva, E. A., Emlet, C. A., Hoy-Ellis, C. P., . . . Muraco, A. (2014). Physical and mental health of transgender older adults: An at-risk and underserved population. *Gerontologist, 54*, 488–500. doi:10.1093/geront/gnt021

<sup>17</sup> Espinoza, R. (2014). *Out & visible: The experiences and attitudes of lesbian, gay, bisexual and transgender older adults, ages 45-75*. Retrieved from [http://www.sageusa.org/files/LGBT\\_OAMarketResearch\\_Rpt.pdf](http://www.sageusa.org/files/LGBT_OAMarketResearch_Rpt.pdf)

<sup>18</sup> Fredriksen-Goldsen, K. I., Bryan, A.E.B., Jen, S., Goldsen, J., Kim, H.-J., & Muraco, A. (2017). The unfolding of LGBT lives: Key events associated with health and well-being in later life. *Gerontologist, 57*, S15–S29. doi:10.1093/geront/gnw185

<sup>19</sup> Espinoza, R. (2014). *Out & visible: The experiences and attitudes of lesbian, gay, bisexual and transgender older adults, ages 45-75*. Retrieved from [http://www.sageusa.org/files/LGBT\\_OAMarketResearch\\_Rpt.pdf](http://www.sageusa.org/files/LGBT_OAMarketResearch_Rpt.pdf)

<sup>20</sup> Fredriksen-Goldsen, K. I., Cook-Daniels, L., Kim, H.-J., Erosheva, E. A., Emlet, C. A., Hoy-Ellis, C. P., . . . Muraco, A. (2014). Physical and mental health of transgender older adults: An at-risk and underserved population. *Gerontologist, 54*, 488–500. doi:10.1093/geront/gnt021

<sup>21</sup> Movement Advancement Project & SAGE. (2017). *Understanding issues facing LGBT older adults*. Retrieved from <http://lgbtmap.org/understanding-issues-facing-lgbt-older-adults>

<sup>22</sup> Fredriksen-Goldsen, K. I., Cook-Daniels, L., Kim, H.-J., Erosheva, E. A., Emlet, C. A., Hoy-Ellis, C. P., . . . Muraco, A. (2014). Physical and mental health of transgender older adults: An at-risk and underserved population. *Gerontologist, 54*, 488–500. doi:10.1093/geront/gnt021

ages frequently encounter discrimination by health care providers,<sup>23</sup> and the majority of transgender adults age 45 through 75 report concern about their ability to access health care as they age.<sup>24</sup>

- Although an estimated 130,000 veterans and individuals retired from the National Guard or the Reserve identify as transgender,<sup>25</sup> those who were discharged under the 1993 “Don’t ask, don’t tell” law<sup>26</sup> cannot access veteran’s benefits.

These data make clear that transgender older adults lack a network of welcoming, culturally competent providers in aging, health care, and social services settings. Perhaps it is no surprise, then, that a report funded by the National Institutes of Health and the National Institute on Aging has found that transgender older adults face greater risk of suicidal ideation, disability, and depression than do their cisgender peers.<sup>27</sup>

Compelling as these data are, a dearth of research exists regarding transgender older adults. ACL can help to address this scarcity by enabling transgender older adults to identify themselves, once again, in the NSOAP. At the same time, NASW recognizes that data collection methods on gender identity may need to evolve. The association encourages ACL to follow the lead of other surveys, including federal and state surveys, that have implemented successful strategies to identify transgender respondents. For example, a set of widely cited best practice guidelines, created by the Gender Identity in U.S. Surveillance (GenIUSS) Group, recommends a well-vetted two-step approach that includes measures of self-reported assigned sex at birth and current gender identity.<sup>28</sup> The GenIUSS Group also recommends a single-item measure used in 2013 by the state of Massachusetts within the Centers for Disease Control and Prevention’s Behavioral Risk Factor Surveillance (BRFSS) System.<sup>29</sup> Yet other measures of gender identity are included within the California Health Interview Survey.<sup>30</sup> Given the availability of these models and other survey resources, NASW is confident that the NSOAP can collect data on gender identity in a concise manner.

Thus, NASW urges ACL to reinstate and modernize data collection on gender identity within the 2019 version of the NSOAP. Such demographic information will help the Aging Network to ascertain the extent to which it reaches transgender older adults, understands this community’s needs, and meets those needs—as well as to identify and implement strategies to enhance service delivery to transgender older adults.

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<sup>23</sup> James, S. E., Herman, J. L., Rankin, S., Keisling, M., Mottet, L., & Anafi, M. (2016). *The report of the 2015 U.S. Transgender Survey*. Retrieved from <http://www.transequality.org/sites/default/files/docs/usts/USTS%20Full%20Report%20-%20FINAL%201.6.17.pdf>

<sup>24</sup> Espinoza, R. (2014). *Out & visible: The experiences and attitudes of lesbian, gay, bisexual and transgender older adults, ages 45-75*. Retrieved from [http://www.sageusa.org/files/LGBT\\_OAMarketResearch\\_Rpt.pdf](http://www.sageusa.org/files/LGBT_OAMarketResearch_Rpt.pdf)

<sup>25</sup> Gates, G. J., & Herman, J. L. (2014). *Transgender military service in the United States*. Retrieved from <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Transgender-Military-Service-May-2014.pdf>

<sup>26</sup> National Defense Authorization Year 1994 Act for Fiscal Year 1994, P.L. 103–160, 107 Stat 1547 (1993).

<sup>27</sup> Fredriksen-Goldsen, K. I., et al. (2011). *The aging and health report: Disparities and resilience among lesbian, gay, bisexual, and transgender older adults*. Retrieved from <http://www.lgbtagingcenter.org/resources/resource.cfm?r=419>

<sup>28</sup> The GenIUSS Group. (2014). *Best practices for asking questions to identify transgender and other gender minority respondents on population-based surveys* [Report of the Williams Institute, UCLA, School of Law]. Herman, J. L. (Ed.). Retrieved from <http://williamsinstitute.law.ucla.edu/wp-content/uploads/geniuss-report-sep-2014.pdf>

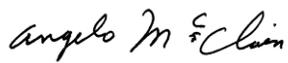
<sup>29</sup> The GenIUSS Group. *Best practices for asking questions to identify transgender and other gender minority respondents on population-based surveys* [Report of the Williams Institute, UCLA, School of Law]. Herman, J. L. (Ed.). Retrieved from <http://williamsinstitute.law.ucla.edu/wp-content/uploads/geniuss-report-sep-2014.pdf>

<sup>30</sup> Regents of the University of California. (2015–2016). *CHIS 2016 adult questionnaire version 2.8*. Retrieved from [http://healthpolicy.ucla.edu/chis/design/Documents/2015-2016%20Questionnaires/CHIS%202016%20Adult%20Questionnaire%20\(FINAL\).pdf](http://healthpolicy.ucla.edu/chis/design/Documents/2015-2016%20Questionnaires/CHIS%202016%20Adult%20Questionnaire%20(FINAL).pdf)

ACL has acknowledged, rightly, that “the number of older lesbian, gay, bisexual and transgender (LGBT) individuals continues to increase, and many people face discrimination based on their age and sexual orientation.”<sup>31</sup> The data cited in NASW’s comments illustrate that many older adults also face discrimination based on their gender identity. By restoring data collection on gender identity within the 2019 NSOAAP, the administration will put into action the statement that “ACL celebrates our nation’s rich diversity.”<sup>32</sup> Without such action, the administration will fall short of realizing the OAA’s aspiration to “meet the diverse needs of the growing numbers of older persons in the United States.”<sup>33</sup>

Thank you for your consideration of NASW’s comments. Should you have questions about the association’s comments, please contact my office at [naswceo@socialworkers.org](mailto:naswceo@socialworkers.org) or (202) 336-8200.

Sincerely,



Angelo McClain, PhD, LICSW  
Chief Executive Officer

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<sup>31</sup> Administration for Community Living. (2017). *Diversity and cultural competency*. Retrieved from <https://www.acl.gov/programs/strengthening-aging-and-disability-networks/diversity-and-cultural-competency>

<sup>32</sup> Administration for Community Living. (2017). *Diversity and cultural competency*. Retrieved from <https://www.acl.gov/programs/strengthening-aging-and-disability-networks/diversity-and-cultural-competency>

<sup>33</sup> Administration for Community Living. (2017). *About the Administration on Aging*. Retrieved from <https://www.acl.gov/node/915>