**Attack on Health Care Anti-Discrimination Rules (Section 1557):**

**What It Means for People with Disabilities**

The Affordable Care Act says it is illegal to discriminate in the provision of health care on the basis of race, color, national origin (including language access) age, disability or sex. Now, the Department of Health and Human Services (HHS) wants to weaken those protections by rewriting the rules that implement the law.

Individuals with disabilities and their families could be hurt by many of the [proposed changes](https://www.regulations.gov/document?D=HHS-OCR-2019-0007-0001), which will:

1. Exempt many insurance companies and many health plans from nondiscrimination requirements;
2. Delete a provision that prohibits insurance plans from discriminating on the basis of disability when deciding what benefits to cover and extra coverage costs;[[1]](#footnote-0)

1. Eliminate the requirement for hospitals, doctors, insurers, and other health care providers to tell people about their rights, including the right to auxiliary aids and services at no cost, how to ask for such aids/services, and how to make a complaint if they encounter discrimination;
2. Potentially limit the types of auxiliary aids and services available;[[2]](#footnote-1)
3. Make it harder for individuals who are being discriminated against because of a relationship or association with someone with a disability to enforce their rights;[[3]](#footnote-2) and
4. Make it more confusing to prove discrimination and go to court;[[4]](#footnote-3)

The proposed rule also asks for information on other provisions important for people with disabilities, including whether entities with fewer than 15 employees should even have to provide auxiliary aids and services to people, and whether some multistory entities should have to provide elevators. This could signal a desire to further weaken disability protections under 1557 in future.

**You can submit comments on the proposed rule until August 13th. Let** **HHS know how these rollbacks will affect you and your family’s access to needed care and treatment**.

To learn more about the proposed rule and the harmful changes it can cause see:

* National Health Law Program, [Q&A: Proposed Rollback of Nondiscrimination Protections Under the ACA’s Section 1557](https://healthlaw.org/resource/qa-proposed-rollback-of-nondiscrimination-protections-under-the-acas-section-1557/)
* Kaiser Family Foundation, [HHS’s Proposed Changes to Non-Discrimination Regulations Under ACA Section 1557](https://www.kff.org/disparities-policy/issue-brief/hhss-proposed-changes-to-non-discrimination-regulations-under-aca-section-1557/)
* Families USA, [Trump Administration Proposes to Undo Nondiscrimination Protections in Health Care](https://familiesusa.org/product/trump-administration-proposes-undo-nondiscrimination-protections-health-care)

**How to Comment**: You can submit comments, identified by RIN 0945-AA11 and the Docket ID number HHS-OCR-2019-0007 electronically by clicking [here](https://www.regulations.gov/comment?D=HHS-OCR-2019-0007-0001) and following the directions on the page.

A sample template is [available here](https://docs.google.com/document/d/10e7EOxreRol7hAV8wJlvpcMRgkagboC7iuANcVQzZkM/edit?usp=sharing).

1. HHS proposes to eliminate a section (§ 92.207) that prohibits discrimination in health insurance or other health-related coverage. [↑](#footnote-ref-0)
2. The proposed rule deletes the general standard that auxiliary aids and services include: “Acquisition or modification of equipment and devices; and [o]ther similar services and actions.” This could limit the type of auxiliary aids and services HHS would recognize over time. [↑](#footnote-ref-1)
3. The proposed rule deletes a section (§ 92.209) that prohibits discrimination against an individual or an entity on the basis of the race, color, national origin, sex, age, or disability of someone with whom the individual or entity has a relationship or association. [↑](#footnote-ref-2)
4. The proposed rule deletes a section (§92.301) which explains how people can go to court, and that explains what people need to prove to show they have been discriminated against. While the rule cannot take away a person’s right to go to court, deleting this section creates confusion. [↑](#footnote-ref-3)