

Attorney General Raoul Files Motion To Prevent Discrimination In Health Care

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CHICAGO – Attorney General Kwame Raoul joined a coalition of 23 attorneys general to file a motion for summary judgment in the U.S. District Court for the Southern District of New York to preserve anti-discrimination protections in the Affordable Care Act (ACA).

In the motion, Raoul and the coalition are asking to vacate a discriminatory federal rule undermining Section 1557 of the ACA. This first-of-its-kind provision in the ACA precludes discrimination on the basis of race, color, national origin, sex, disability and age in federal health care programs. The rule issued by the federal government illegally rolls back these critical protections.

“The COVID-19 pandemic has exposed many inequities in our health care system and the devastating consequences of ensuring access to quality health care services for all Americans,” Raoul said. “We must work together to address the disparities in our health care system, which includes fighting against federal policies that only serve to make it easier for discrimination to take place.”

Section 1557 of the ACA is the first federal civil rights law to expressly prohibit discrimination on the basis of race, color, national origin, sex, disability and age in federal health programs.

In the motion, the coalition argues that the rule should be vacated in its entirety because:

It is contrary to law, including ACA Section 1557.

States will bear new administrative, regulatory, investigative, enforcement and health care burdens and costs because of it.

The removal of the definition of “on the basis of sex” and weakened protections for language assistance services is arbitrary and capricious.

The rule’s addition of broad religious exemptions for abortion are arbitrary and capricious, contrary to law, and exceed statutory authority.

On April 30, Raoul joined a multistate coalition in filing a comment letter urging the U. S. Department of Health and Human Services (HHS) not to finalize its proposed regulation which sought to undermine Section 1557’s critical anti-discrimination protections for marginalized populations including the LGBTQ community, women, communities of color and individuals with disabilities. In July, Raoul and the coalition filed a lawsuit challenging the final rule. U.S. District Courts in the Eastern District of New York and the District of Columbia have recently blocked HHS from enforcing portions of the rule in cases filed by private litigants.

Joining Raoul in today’s filing are the attorneys general of California, Colorado, Connecticut, Delaware, the District of Columbia, Hawaii, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia and Wisconsin.