



Raoul Joins Coalition Supporting Restoration Of Anti-Discrimination Protections Under Affordable Care Act

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October 7 2022 10:58 AM



CHICAGO - Attorney General Kwame Raoul today joined a coalition of 22 attorneys general in a comment letter supporting the U.S. Department of Health and Human Services' (HHS) proposed rule strengthening anti-discrimination protections under the Affordable Care Act (ACA). The proposed rule would implement Section 1557 of the ACA, which prohibits health care programs, benefits and services from discriminating on the basis of race, color, national origin, age, disability or sex (including pregnancy, sexual orientation, gender identity and sex characteristics).

“At a time when some states are rolling back rights to reproductive and sexual health care, it is more important than ever that people can access needed health care services without the fear of discrimination,” Raoul said. “I appreciate the Biden administration’s commitment to prohibiting discrimination in health care, and I will continue to fight any attempts to weaken the Affordable Care Act’s promise of quality health care services for millions of Illinoisans.”

Raoul and the coalition argue the new rule is critical to safeguarding the health and well-being of communities of color, people with pregnancy-related conditions, LGBTQ+ individuals, people with limited English proficiency and those with disabilities. Creating an equitable, accessible and affordable health care system is a continuing priority for states across the country, and the proposed rule is an important step in that direction.

When Congress enacted the ACA in 2010, it contained a landmark civil rights provision, Section 1557. Implemented in 2016, the provision prohibits discrimination in federal health care programs, benefits and services. Specifically, Section 1557 prohibits discrimination on the basis of race, color, national origin, sex, age or disability.

But this provision was undermined significantly in 2020, when HHS finalized a rule rolling back those protections, effectively sanctioning discrimination in our health care system. Now, HHS has invited comments on a proposed revision that would restore comprehensive anti-discrimination protections to the ACA.

[In their letter](#) responding to HHS' notice, Raoul and the coalition assert their support for the proposed rule because, among other reasons, preventing a broader group of entities from discrimination in the health care system will reduce adverse health outcomes, the costs of which would otherwise be borne by the states' public health systems. In addition, limiting the scope of Section 1557, as the 2020 rule sought to do, increases the burden on the states to monitor and enforce nondiscrimination laws.

Raoul and the coalition applaud the rule for preserving and broadening the following protections:

- Prohibiting sex discrimination based on gender identity, including against transgender people.
- Establishing language access requirements to ensure people of all national origins, including those with limited English proficiency, have meaningful access to health programs and activities.
- Prohibiting discrimination on the basis of pregnancy-related medical conditions, such as past pregnancy and the termination of pregnancy.
- Recognizing that the prohibition on discrimination in healthcare encompasses algorithms and other automated clinical decision-making tools.
- Clarifying, for the first time, that Section 1557 prohibits discrimination in telehealth services.

Earlier this year, [Raoul led a coalition of 20 attorneys general](#) defending key provisions of the ACA that provide preventive services, most notably contraceptive care and prophylactic anti-HIV care. In 2020, as part of a coalition of 20 states and the District of Columbia, [Raoul filed a brief in the U.S. Supreme Court](#) defending the ACA against

efforts to repeal the entire law, which would have gutted health care coverage protections for 133 million Americans.

Joining Raoul in filing the comment letter are the attorneys general of California, Connecticut, Delaware, the District of Columbia, Hawaii, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont and Washington.