



Attorney General Raoul Supports Efforts To Vacate Rule Allowing Health Care Discrimination

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CHICAGO - Attorney General Kwame Raoul, as part of today a coalition of 19 attorneys general, today filed an amicus brief with the U.S. District Court for the District of Massachusetts supporting a motion to vacate a 2020 federal rule that strips nondiscrimination protections from the Affordable Care Act (ACA).

[In the brief](#), filed in Boston Alliance of Gay, Lesbian, Bisexual and Transgender Youth (BAGLY), et al. v. United States Department of Health and Human Services (HHS), et al., Raoul and the coalition stress the importance of upholding the nondiscrimination protections of the ACA's Section 1557 to ensure equitable access to health care.

“We must not tolerate discrimination of any kind, particularly when it deprives people of their right to access quality health care,” Raoul said. “I am proud to stand with my fellow attorneys general to defend patients’ rights, because equitable access to health care should not be impacted by a patient’s gender identity, sexual orientation, disability, language or any protected class.”

Section 1557 of the ACA prohibits all health care programs and activities receiving federal financial assistance from discriminating against individuals on the basis of race, color, national origin, sex, age, or disability. The federal government issued the rule in June 2020 severely narrowing Section 1557 by eliminating prohibitions that prevent health insurers from discriminating against vulnerable populations, including LGBTQ+ individuals, individuals with limited English proficiency and women, as well as other protected classes.

In a July 2020 lawsuit, BAGLY, a group of civil rights and reproductive health care advocacy organizations, challenged the rule as arbitrary and capricious and contrary to law under the Administrative Procedure Act (APA), also stressing the serious health and social harms that it imposes on underserved populations.

In the brief, Raoul and the coalition argue the rule limits protections Section 1557 provides, removes protections for transgender people, exceeds agency authority by expanding exemptions to Section 1557's protections and fails to consider the harmful impacts of the rule, such as harms to health care access by transgender individuals and individuals with limited English proficiency.

The brief also stresses the importance of upholding these federal nondiscrimination protections, as well as the individual and social benefits of ensuring equitable access to health care.

Joining Raoul in filing the brief are attorneys general from California, Colorado, Connecticut, Delaware, the District of Columbia, Hawaii, Maine, Maryland,

Massachusetts, Michigan, Minnesota, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont and Washington.