SEPTEMBER 8, 2015

Expanded Protections To Individuals Receiving Health Care

Today, proposed regulations were issued under Section 1557 of the Affordable Care Act which prohibits discrimination based on sex, age, race, color, national origin or disability. The proposed regulations apply to certain health programs and activities which receive Federal financial assistance (such as Medicare and Medicaid), to programs administered by an Executive Agency, and to entities established under Title I of the ACA (which include the Federal and State-based Marketplaces).

The proposed rules ban sex discrimination in health care, including based on gender identity, and provide protections for individuals who are not proficient in English or who have disabilities, such as by specifying the types of language assistance to be provided. Affected entities must also satisfy certain specific notice requirements so that individuals are apprised of the rules regarding nondiscrimination, the specific language services that may be available and how to file a complaint.

The proposed rules mainly impact Federally-funded programs and individual policies issued through the Marketplace. These rules do not apply to employer-sponsored health plans, except when the employer is principally engaged in providing or administering health services (such as potentially hospitals and nursing homes), providing health insurance coverage or the employer receives Federal financial assistance primarily to fund the employee benefit program.