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ATTORNEY GENERAL RAOUL URGES HHS NOT TO FINALIZE RULE THAT WOULD PERMIT HEALTH CARE DISCRIMINATION DURING GLOBAL COVID-19 PANDEMIC

Chicago — Attorney General Kwame Raoul today joined a coalition of 24 attorneys general in sending a letter to the U.S. Department of Health and Human Services (HHS) urging it not to finalize its proposed regulation, “Nondiscrimination in Health and Health Education Programs or Activities” (Section 1557 Rule). Section 1557 is an anti-discrimination provision that prohibits discrimination in health care based on gender, race, ethnicity, sex, age or disability. If finalized, the proposed changes would seriously undermine the Affordable Care Act’s (ACA) critical anti-discrimination protections at a time when they are most needed to help address the COVID-19 pandemic.

“This proposed rule eliminates protections for vulnerable populations during a time when health disparities are already exacerbated,” Raoul said. “I urge the HHS not to finalize this dangerous rule that would have the effect of denying care for marginalized communities, and place unnecessary burdens on health care providers.”

Raoul and the coalition assert that the proposed rule would roll back anti-discrimination protections for communities of color, women, LGBTQ individuals, those with limited English proficiency, and people with disabilities by undermining critical legal protections that guarantee health care as a right. Data shows that the COVID-19 pandemic is already exacerbating racial and ethnic disparities in health care that the ACA attempted to address, particularly in states that have not expanded Medicaid. Communities of color have been disproportionately impacted, and recently more than 100 national and local organizations signed on to an open letter to the health care community about how COVID-19 may pose an increased risk to the LGBTQ population. HHS itself has long noted that discrimination within the health care system contributes to poor coverage and health outcomes, and exacerbates existing health disparities in underserved communities. Individuals who have experienced discrimination in health care often postpone or forgo needed care, resulting in adverse health outcomes.

[In the letter](#), Raoul and the coalition argue that moving forward with the rule in the midst of this unprecedented health care crisis will create unnecessary confusion and administrative burdens for state agencies, health care providers, and patients at a time when the health care system is battling to save lives. Data suggests that increased access to health care could assist with prompt COVID-19 detection and increase early treatment, which helps diminish spread of the disease. For these reasons, Raoul and the coalition warn HHS that making this major regulatory change in the midst of the current crisis is not only irresponsible, it is potentially deadly.

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