

**#PutPatientsFirst +  
#ProtectTransHealth**

**How the New Proposed Rule on Section  
1557 Erodes Protections for Young and/or  
Trans and Gender Nonconforming People**

A Webinar by the National Women's Law Center and Advocates for Youth

Speaking:  
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# The Health Care Rights Law (Section 1557 of the Affordable Care Act)

- The Health Care Rights law prohibits discrimination on the basis of race, color, national origin, age, disability or sex in health programs or activities that receive federal financial assistance, were created by Title I of the ACA, or are administered by an executive agency.
- Gender based discrimination includes any discrimination due to pregnancy, termination of pregnancy, sex stereotyping, gender identity.
- Discrimination on the basis of gender includes sexual harassment.

# What did the Health Care Rights Law Do?

Provide protection from discrimination in health care.

# Who is Required to Comply with Health Care Rights Law?

- Any health program or activity that receives federal financial assistance, such as hospitals, clinics, or insurance companies;
- Any program or activity administered by an executive agency, including federal health programs like Medicare, Medicaid, and Children's Health Insurance Program (CHIP); and
- Any program or activity created under Title I of the ACA, including the Health Insurance Marketplaces

# The Trump Administration Wants to Roll Back the Protections by Trying to Unlawfully:

- Add religious exemption that could allow religiously affiliated institutions to refuse to provide any type of care that the institution claims violates their religious beliefs
- Eliminate protections for people who face discrimination because of their gender identity or sexual orientation
- Attack abortion protections
- Eliminate critically important notice requirements
- Eliminate many protections for people with limited English proficiency
- Drastically limit which health plans must comply with the HCRL

**Speaking:**  
**Kamilah Tisdale**  
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**Domestic Policy Analyst,**



Speaking:  
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**NATIONAL  
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# Protections for Gender Identity

- **Sex discrimination protections include:**
  - **Sex stereotypes**
  - **Gender identity**
  - **Sexual orientation**
- **Increased access to private and public coverage**
- **Removal of transgender exclusions**

# 2016 HHS REGULATIONS

## **HHS 2016 regulations clarifies protections**

### **Discrimination against LGBT patients include:**

- **Denying access to care**
- **Harassing or giving lesser care**
- **Forcing to have intrusive and unnecessary examinations**
- **Not treating people in accordance to their gender identity**

# 2016 HHS REGULATIONS

## Insurance policies/companies:

- Cannot have blanket or categorical exclusions for transition-related care
- Cannot limit coverage of transition-related care if offered for other services
- Cannot deny coverage for care typically associated with one gender
- Cannot refuse to enroll, cancel coverage, or impose higher rates for someone because they are transgender

# NEW HHS PROPOSED RULE

- HHS justifies changes based on single district court ruling
- New rule would:
  - Erase all references to the ACA's protections against discrimination on the basis of gender identity
  - Erase all references to long-standing Supreme Court precedent recognizing protection from discrimination on the basis of sex stereotypes

# NEW HHS PROPOSED RULE

- **New rule would:**
  - **Erase all references to gender identity and sexual orientation in several other long-standing HHS regulations (mostly CMS).**
  - **Attempt to wipe out protections for LGBTQ people in Affordable Care Act plans, Medicaid plans, and the Program of All-Inclusive Care for the Elderly**



# NEW HHS PROPOSED RULE

- **Immediate practical effects**
  - Although it does not change the law, the proposed rule will sow confusion and promote discrimination
  - Encourage hospitals to deny care to transgender people and enable insurance companies to deny coverage for health care services that they cover for non-transgender people.
  - Discourage transgender patients from seeking health care in the first place, or from speaking up if turned away.

# What can we do?

DON'T ROLL BACK  
HEALTH CARE  
RIGHTS FOR  
**TRANS PEOPLE**

#PUTPATIENTSFIRST





**QUESTIONS?**