



A Summary of the 2024 Final Rule on Section 1557 Non-Discrimination Regulations Under the Affordable Care Act

Since the signing of The Affordable Care Act (ACA) in **2010**, *Section 1557* has stood to protect patients from discrimination in healthcare. Section 1557 specifically prohibits healthcare providers and insurers that receive federal funding from discriminating against individuals based on the following:



Section 1557 safeguards patients from discrimination in various health care settings, including health centers, hospitals, and telehealth services. This includes refusing treatment or providing unequal care.

Enacted in 2010, Section 1557 has been refined over time. Issued in 2016 under the Obama Administration and modified in 2020 by the Trump Administration, Section 1557 was most recently updated in 2024 by the Biden Administration, to expand access to health care for all by prohibiting discrimination based on sexual orientation and gender identity in federally funded programs. This vital addition strengthens existing protections for LGBTQI+ people, along with other marginalized communities like women, expecting mothers, individuals with disabilities, immigrants, and people with limited English proficiency.

The current implementation of the new rule is effective as of
July 5, 2024.

Some provisions impacting health insurance plan design won't become effective until the plan year beginning after
January 1, 2025
and other provisions with later effective dates to amend current practices.

The major changes of Section 1557 that affect health centers are as follows:

- ▶ Section 1557 now applies to **all health activities and programs** that receive direct or indirect federal funding from HHS (which includes health centers).
- ▶ Recipients of **Medicare Part B** funds and health insurance issuers are now included along with **Medicare Parts A, C, D, and Medicaid** fund recipients.
- ▶ All covered entities will be required to comply with the obligations of the **2024 rule**, even if the receipt of federal funds comprises a small part of the business.
- ▶ Within the new rule, provisions of ***nondiscrimination protection*** are included for those who experience discrimination on the basis of multiple protected characteristics. *This is a new protection compared to both the Obama and Trump Rules.*

Within the parameter of *nondiscrimination*, the final rule protection provisions are as follows:

SEX, LGBTQIA+, Pregnancy-Related Nondiscrimination Provisions

- ▶ Gender identity, sexual orientation, sex characteristics (including intersex traits), and pregnancy-related conditions, including pregnancy termination.
- ▶ Removes explicit blanket abortion and religious freedom exemptions.
- ▶ On the basis of actual or perceived abortions.
 - The Office for Civil Rights (OCR) clarifies that a healthcare provider refusing abortions doesn't violate Section 1557, as long as the refusal isn't based on discrimination (like race).
- ▶ Specific health insurance coverage protections.
- ▶ Transgender people's access to care and coverage.
- ▶ Prohibits the denial of gender-affirming care when the denial is on the basis of sex.
- ▶ Requires people to be treated consistently with their gender identity.

Language Assistance Services and Removal of Telehealth Barriers Nondiscrimination Provision

- ▶ Expands protections for those with limited English proficiency (including telehealth).
- ▶ Includes provisions for service requirements and notices related to language access and access to auxiliary aids and services at no cost to patients.
- ▶ While the rule allows for qualified interpreters and translation services, it discourages patients from using unqualified individuals, such as family members or minors.
- ▶ The rule allows for interpretation via video or audio technology, as long as these services meet specific quality standards. These updated standards ensure clear communication through remote interpreting, similar to the 2016 rule (before limitations in 2020).
- ▶ This Notice of Availability of language services must be provided in English and in at least **15** of the most common languages spoken by people with limited English proficiency in the state where the covered entity operates.
 - OCR has provided [sample notices](#) in English and 47 other languages that covered entities may use. To ensure patients are well-informed, *health centers* are encouraged to post these notices in high-traffic areas throughout the facility.
 - This nondiscrimination notice must be provided to patients within **120** days of the effective date or by **November 2, 2024**.
- ▶ Protections pertaining to telehealth and patient care decision support tools, including in addressing bias in clinical algorithms and other tools in the use of AI. This means health care providers, like health centers, must look for tools that use factors like race, ethnicity, sex, age, or disability in their calculations, and take steps to minimize any risk of discrimination that these tools might create.
- ▶ It's important to note that this rule focuses on how these tools are used, not how they are developed. This provision takes effect on **May 1, 2025**, giving covered entities time to prepare.
- ▶ A recent update to ADA web accessibility parameters now offers specific guidance for health service providers and health centers, helping them make their websites more inclusive for patients with disabilities.
- ▶ Codifies the Olmstead requirement to service people with disabilities in the most integrated setting that is appropriate.

Top Healthcare Provider Requirements from Section 1557 (All new policies and procedures must be implemented within one year of the effective date or by July 5, 2025).

- ▶ Healthcare organizations with 15 or more employees need to appoint a “Section 1557 Coordinator” to oversee compliance with non-discrimination rules. This includes staff training on ensuring language assistance, effective communication for disabilities, reasonable modifications.
- ▶ Requires covered entities, such as health centers, to create and implement written policies that ensure equal access to care.
- ▶ Requires certain provisions in each of the policies. HHS provides examples of policies [here](#).
- ▶ These policies should be tailored to the size and complexity of the health center and cover:

Non-discrimination Policy

Grievance Procedures

Language Assistance

Effective Communication and Reasonable Modifications

Section 1557 of the Affordable Care Act promotes non-discrimination in healthcare. *Health centers* can ensure compliance and uphold their mission of equitable care by taking these key steps:

- ▶ **Equal Access and Non-Discrimination:** Provide equal access to services, coverage, and programs regardless of race, color, national origin, sex (including pregnancy, gender identity, sex stereotypes), age, or disability. Respect patients’ gender identity regarding access to facilities.
- ▶ **Reasonable Accommodations:** Make adjustments to policies and practices to accommodate disabilities (e.g., service animals) and overcome language barriers. This fosters a truly inclusive environment.
- ▶ **Clear Communication:** Display non-discrimination notices prominently throughout the facility in large fonts and multiple languages (including those spoken in your community). Additionally, include them on your website.

By following these practices, health centers can not only comply with Section 1557, but also strengthen their commitment to providing high-quality, equitable care for all. Overall, the new rule clarifies that the Department of Health and Human Services (HHS) is responsible for investigating complaints of discrimination under Section 1557.

For additional information on the final rule Section 1557 of the Affordable Care Act, please view [Questions and Answers](#) on the 2024 Final Rule Addressing Nondiscrimination Protections under the ACA’s Section 1557 by the National Health Law Program.