

## **HPMS E-Mail**

**Date:** May 27, 2016

**Subject:** Nondiscrimination Health Programs and Activities

### **E-mail text:**

The Department of Health and Human Services (HHS) issued the Final Rule, Nondiscrimination in Health Programs and Activities, implementing the prohibition of discrimination under Section 1557 of the Affordable Care Act of 2010, which will help to advance health equity and reduce health disparities by protecting some of the most vulnerable populations from discrimination in the health care context.

The purpose of this notice is to make organizations aware of this rule which is effective on July 18, 2016 (health plans have until the first plan year beginning on or after January 1, 2017 to implement any needed benefit design changes to their plans). The rule applies to health programs or activities, any part of which is receiving Federal financial assistance from HHS, and health programs or activities that are administered by HHS or established under Title I of the Affordable Care Act, including issuers that participate in Medicare, Medicaid, or the Health Insurance Marketplaces. The rule prohibits discrimination on the basis of race, color, national origin, sex, age, or disability. It requires covered entities to make their programs accessible to individuals with disabilities and individuals with limited English proficiency. It also requires nondiscrimination in health insurance benefit design, including prescription drug benefits, marketing practices, and health coverage, including a prohibition of categorical exclusions for all services related to gender transition.

Section 1557 has been in effect since the Affordable Care Act was enacted in 2010 and this rule provides additional clarity about covered entities' responsibilities. We recognize that many organizations have already taken actions to implement Section 1557 and are taking additional actions to comply with the rule. We are asking all organizations to become familiar with the rule and take the necessary steps to ensure compliance with their obligations under Section 1557.

Additional information about this rule is provided at:

<http://www.hhs.gov/civil-rights/for-individuals/section-1557/index.html>

