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*U.S. Health and Human Services
Office for Civil Rights*

Proposed Rule: Nondiscrimination in Health Programs and Activities, Section 1557

HHS-OS-2022-0012

Summary of Public Comments

November 18, 2022

Prepared by

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Table of Contents

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Acronyms and Abbreviations

Acronym	Definition
ACA	Affordable Care Act
ADA	Americans with Disabilities Act
ADS	Automated decision-making system
AI	Artificial Intelligence
AI/AN	American Indian/Alaskan Native
AIDS	Acquired immunodeficiency syndrome
APTC	Advanced premium tax credit
ASL	American Sign Language
CDC	Centers for Disease Control and Prevention
CDFI	Community Development Financial Institution
CFR	Code of Federal Regulations
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HHS	Department of Health and Human Services
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MDE	Medical Diagnostic Equipment
MT	Machine Translation
NPRM	Notice of Proposed Rulemaking
OCR	Office for Civil Rights
PACE	Programs of All-Inclusive Care for the Elderly
QALY	Quality Adjusted Life Years
RFRA	Religious Freedom Restoration Act
SAD	Self-administered drug

Acronym	Definition
SOGI	Sexual orientation and gender identity
TNBC	Triple Negative Breast Cancer
VRI	Video remote interpreting
WCAG	Web Content Accessibility Guidelines
WPATH	World Professional Association of Transgender Health

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MATTHEW J. KACSMARK
UNITED STATES DISTRICT JUDGE

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Table of Contents

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Judgment is rendered accordingly.

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MATTHEW J. KACSMARK
UNITED STATES DISTRICT JUDGE

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Table of Contents

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Acronyms and Abbreviations

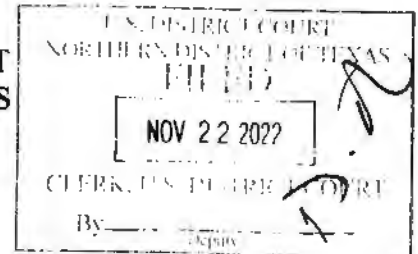
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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION



SUSAN NEESE, *et al.*,

Plaintiffs,

v.

XAVIER BECERRA, in his official
capacity as the Secretary of the United
States Department of Health and Human
Services, *et al.*,

Defendants.

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2:21-CV-163-Z

FINAL JUDGMENT

On November 11, 2022, the Court issued an Opinion and Order (ECF No. 66) **GRANTING IN PART** Plaintiffs' Motion for Summary Judgment and **GRANTING IN PART** Defendants' Motion for Summary Judgment. The Court issues the following relief consistent with that Opinion and Order.

1. The Court awards Plaintiffs and the certified class relief under 5 U.S.C. § 706(2). The Court **HOLDS UNLAWFUL** and **SETS ASIDE** Defendant Becerra's Notification of Interpretation and Enforcement of May 10, 2021.
2. The Court awards Plaintiffs and the certified class declaratory relief under 28 U.S.C. § 2201. The Court **DECLARES**:
 - Plaintiffs and members of the certified class need not comply with the interpretation of "sex" discrimination adopted by Defendant Becerra in his Notification of Interpretation and Enforcement of May 10, 2021; and
 - Section 1557 of the ACA does not prohibit discrimination on account of sexual orientation and gender identity, and the interpretation of "sex" discrimination that the Supreme Court of the United States adopted in *Bostock v. Clayton County*, 140 S. Ct. 1731 (2020), is inapplicable to the prohibitions on "sex" discrimination in Title IX of the Education Amendments of 1972 and in Section 1557 of the ACA.
3. The Court **GRANTS** summary judgment for Defendants insofar as Plaintiffs and the certified class seek injunctive relief on any claim.

This final judgment fully and finally resolves all remaining claims in this suit and is appealable. The Court **DENIES** all other relief not expressly granted herein.

Judgment is rendered accordingly.

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Table of Contents

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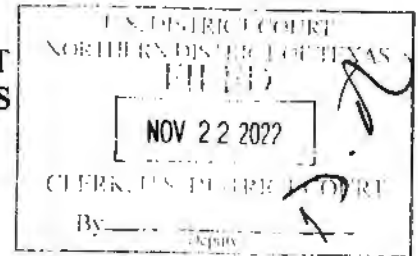
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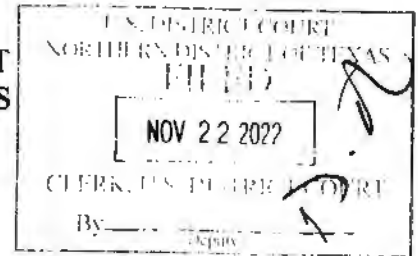
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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION



SUSAN NEESE, *et al.*,

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v.

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FINAL JUDGMENT

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Judgment is rendered accordingly.

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MATTHEW J. KACSMARK
UNITED STATES DISTRICT JUDGE

CARES Act Part 2 NOTICE OF PROPOSED RULEMAKING

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*U.S. Health and Human Services
Office for Civil Rights*

Proposed Rule: Nondiscrimination in Health Programs and Activities, Section 1557

HHS-OS-2022-0012

Summary of Public Comments

November 18, 2022

Prepared by

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Table of Contents

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Summary of Public Comments

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Table of Contents

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Table of Contents

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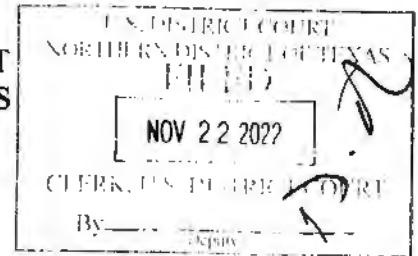
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CARES Act Part 2 NOTICE OF PROPOSED RULEMAKING

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*U.S. Health and Human Services
Office for Civil Rights*

Proposed Rule: Nondiscrimination in Health Programs and Activities, Section 1557

HHS-OS-2022-0012

Summary of Public Comments

November 18, 2022

Prepared by

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Table of Contents

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Table of Contents

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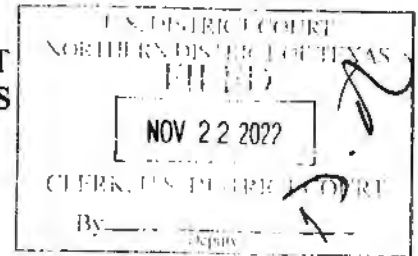
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SUSAN NEESE, *et al.*,

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MATTHEW J. KACSMARK
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CARES Act Part 2 NOTICE OF PROPOSED RULEMAKING

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*U.S. Health and Human Services
Office for Civil Rights*

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HHS-OS-2022-0012

Summary of Public Comments

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Table of Contents

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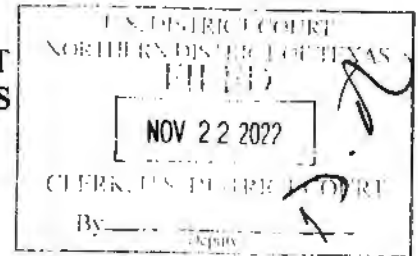
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MATTHEW J. KACSMARK
UNITED STATES DISTRICT JUDGE

CARES Act Part 2 NOTICE OF PROPOSED RULEMAKING

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*U.S. Health and Human Services
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HHS-OS-2022-0012

Summary of Public Comments

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ICF

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Table of Contents

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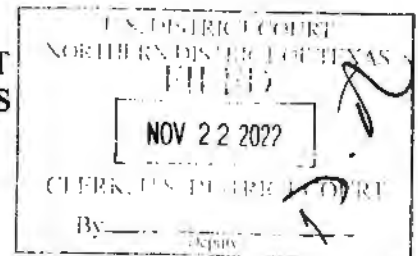
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November 22, 2022

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MATTHEW J. KACSMARK
UNITED STATES DISTRICT JUDGE

CARES Act Part 2 NOTICE OF PROPOSED RULEMAKING

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*U.S. Health and Human Services
Office for Civil Rights*

Proposed Rule: Nondiscrimination in Health Programs and Activities, Section 1557

HHS-OS-2022-0012

Summary of Public Comments

November 18, 2022

Prepared by

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Table of Contents

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Acronyms and Abbreviations

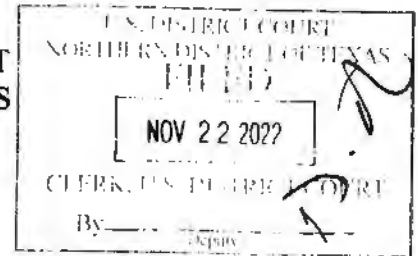
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Introduction

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION



SUSAN NEESE, *et al.*,

Plaintiffs,

v.

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capacity as the Secretary of the United
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CARES Act Part 2 NOTICE OF PROPOSED RULEMAKING

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*U.S. Health and Human Services
Office for Civil Rights*

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Table of Contents

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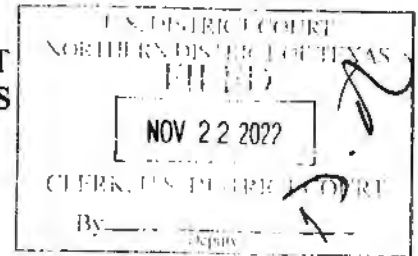
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Office for Civil Rights*

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Table of Contents

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Table of Contents

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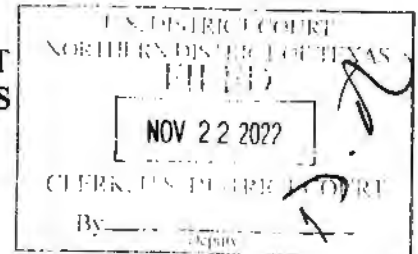
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REPORTING TEMPLATE

Title: Report to the HHS LGBTQI+ Coordinating Committee, Training, and Inclusion Subcommittee

Period: Calendar year 2022

HHS OPDIV/Staff DIV: HHS Office for Civil Rights

Point of contact: Pamela Barron
Deputy Director for Civil Rights
HHS Office for Civil Rights
202-577-9296

Email: Pamela.Barron@hhs.gov

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- Departmental Appeals Board (DAB)
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- Office of Medicare Hearings and Appeals (OMHA)
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