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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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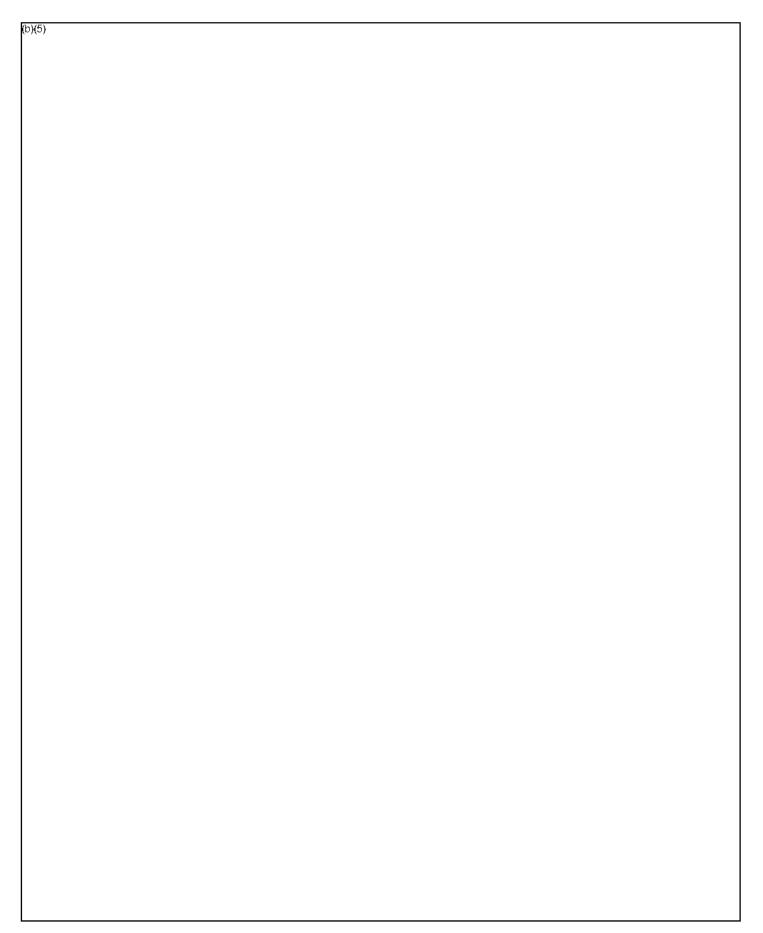
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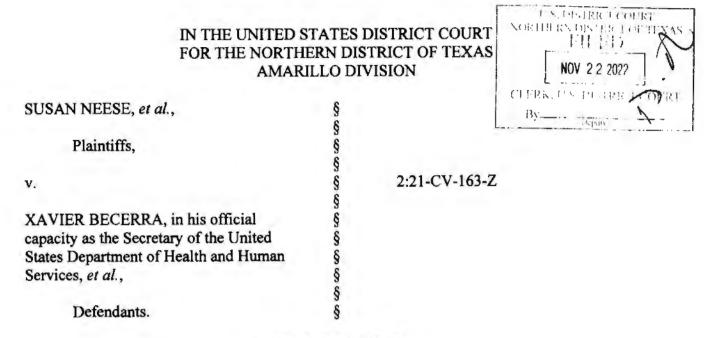
Acronyms and Abbreviations

Acronym	Definition
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Introduction

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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.

- 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.
- 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.
- 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.

November 27, 2022

MATTHEW J. KACSMARYK

UNITED STATES DISTRICT JUDGE

CARES Act Part 2 NOTICE OF PROPOSED RULEMAKING (b)(5)

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

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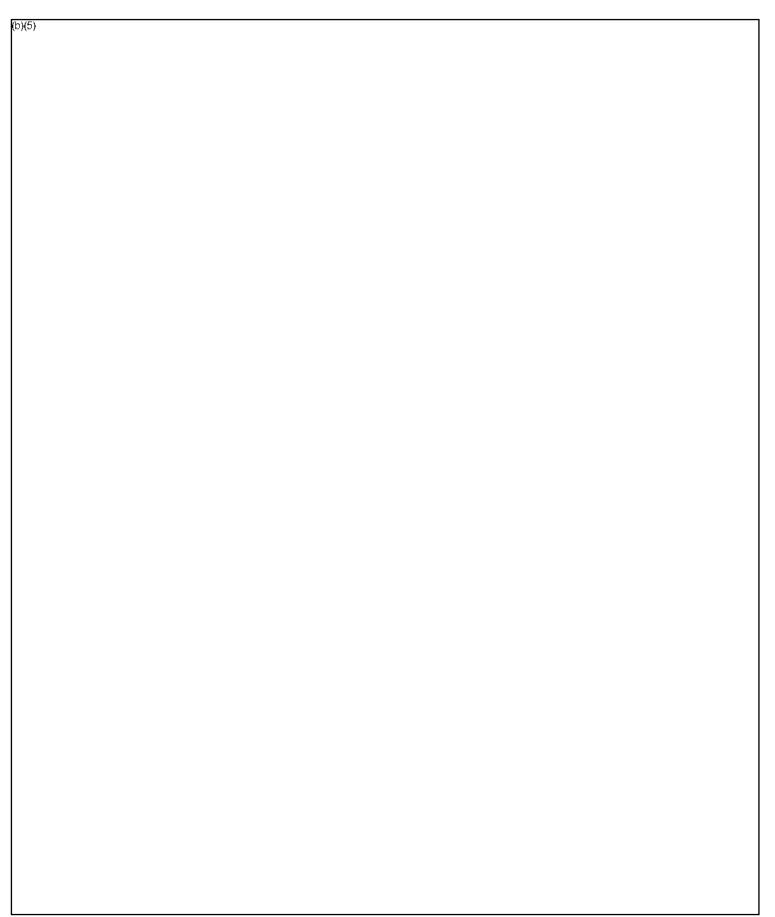
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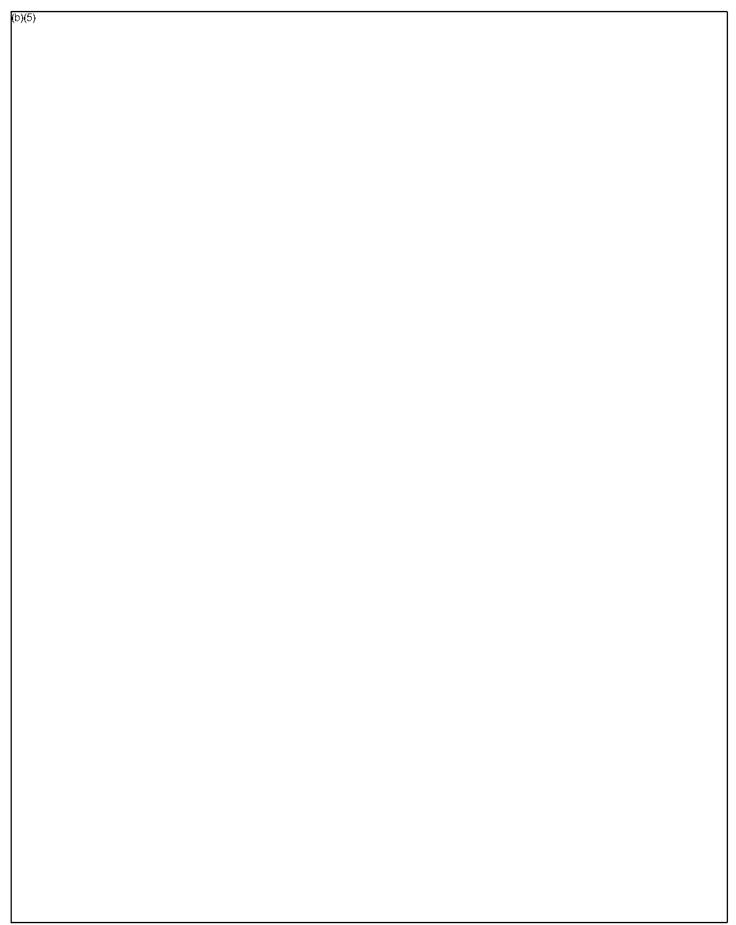
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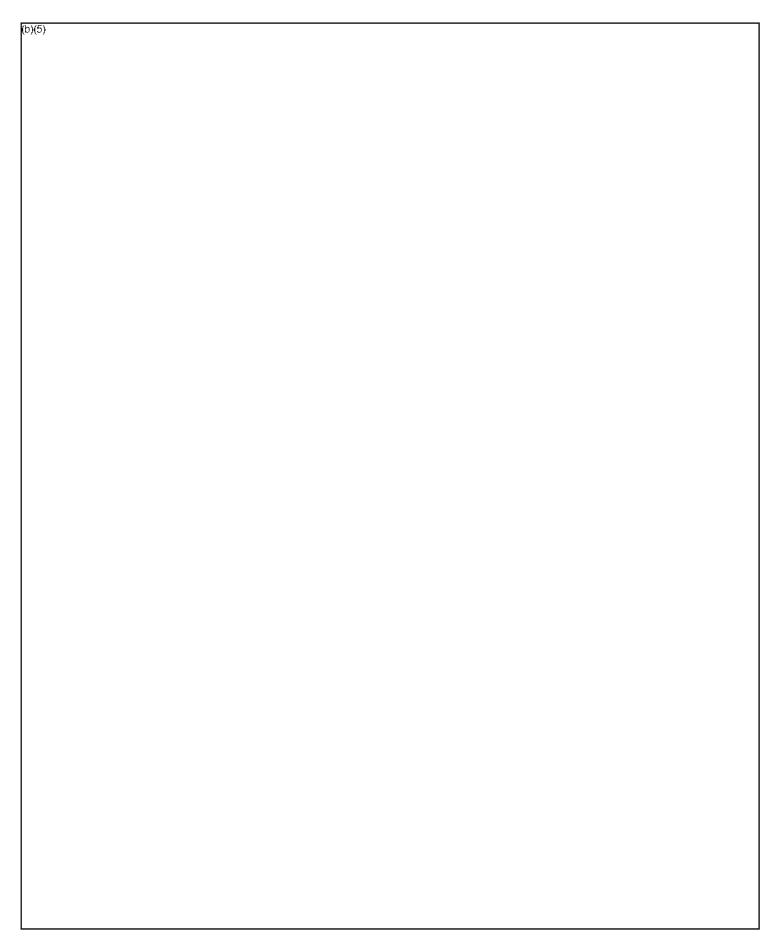
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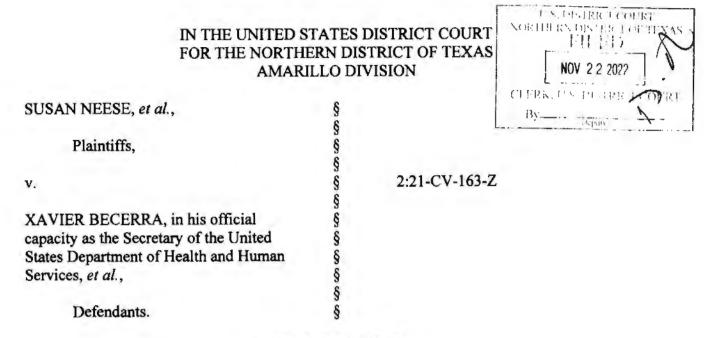
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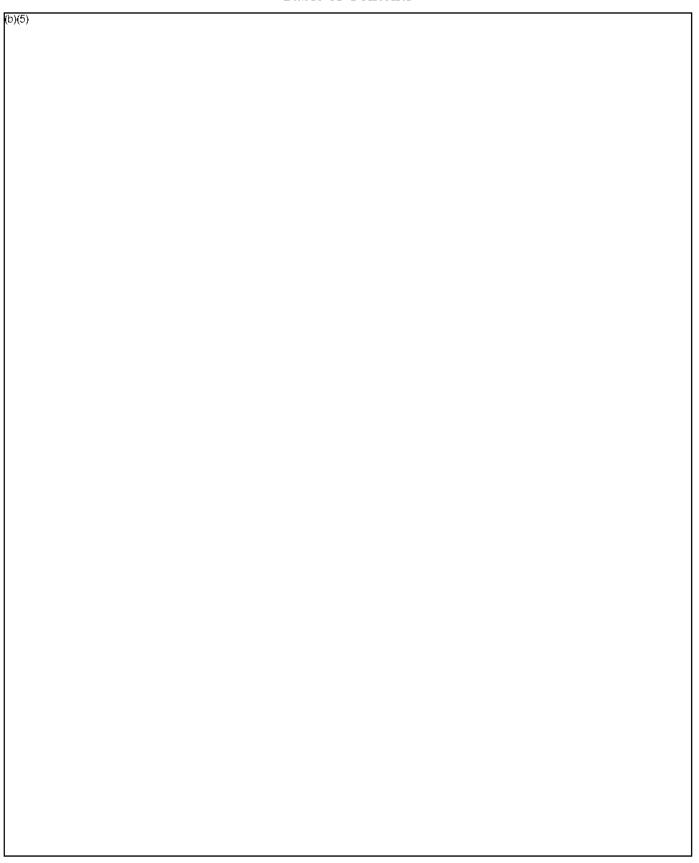
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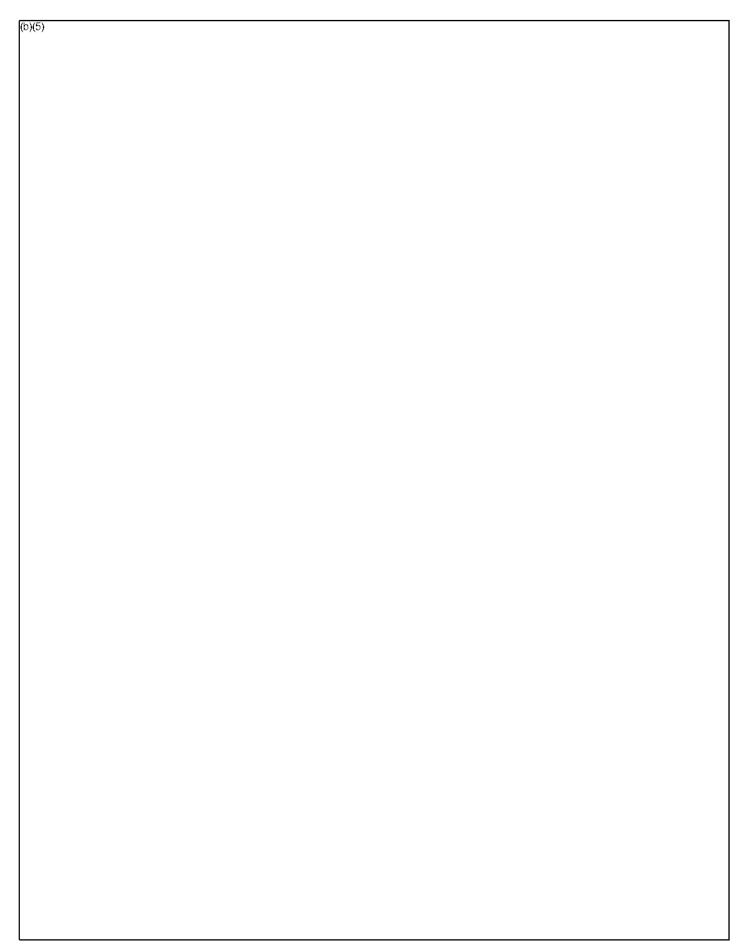
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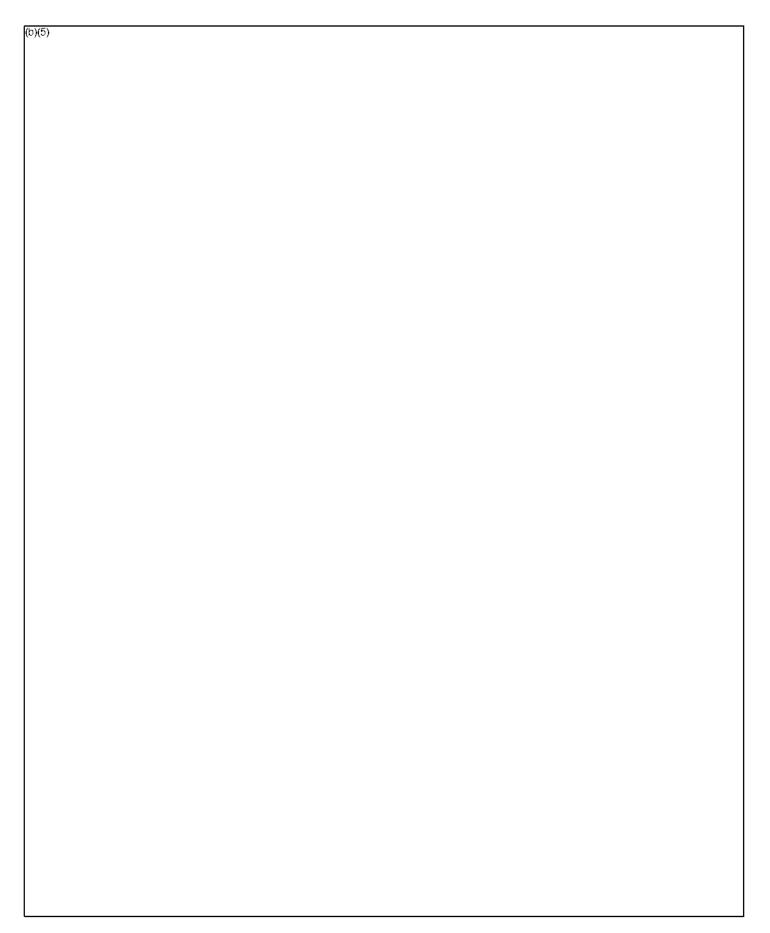
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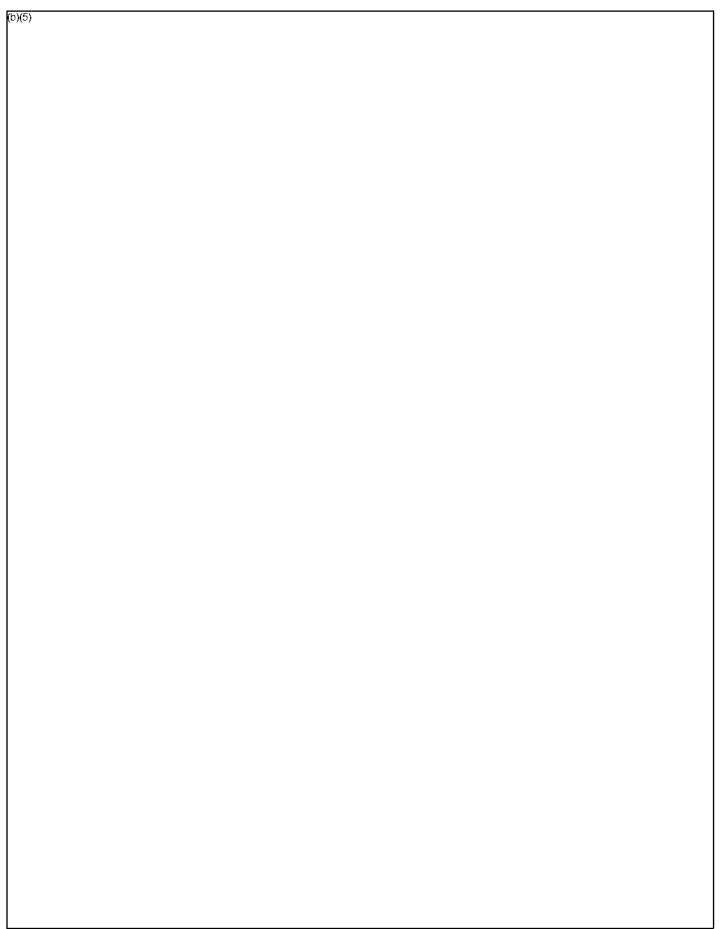
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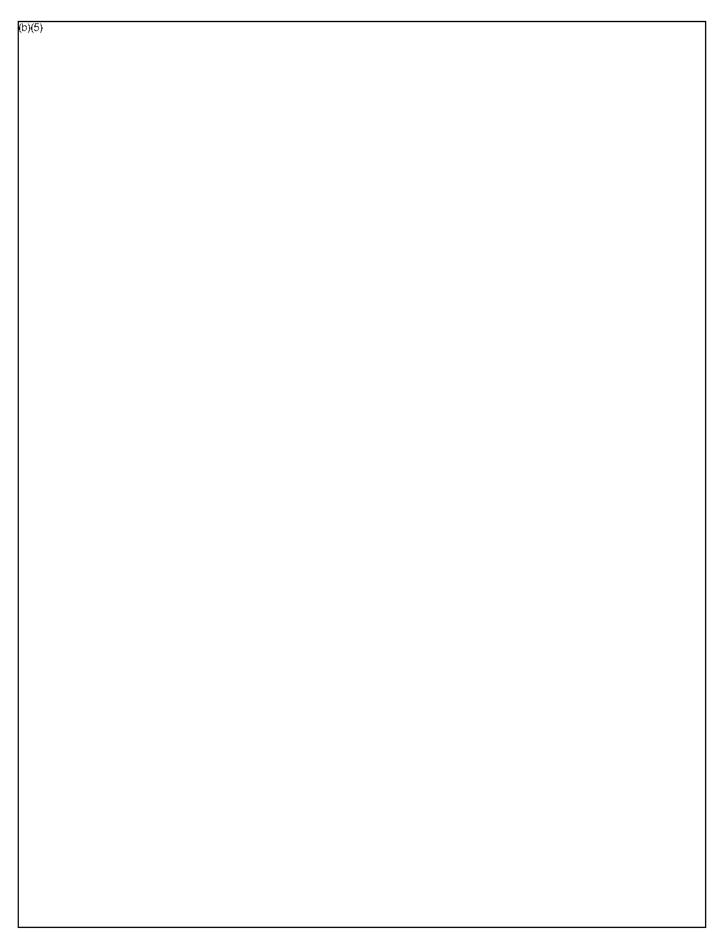
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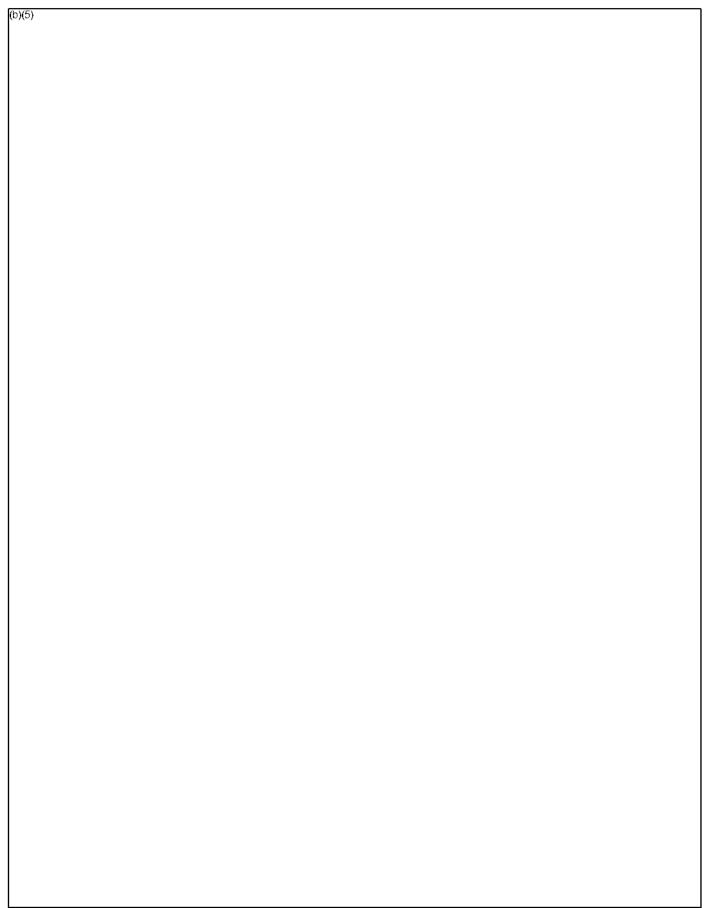
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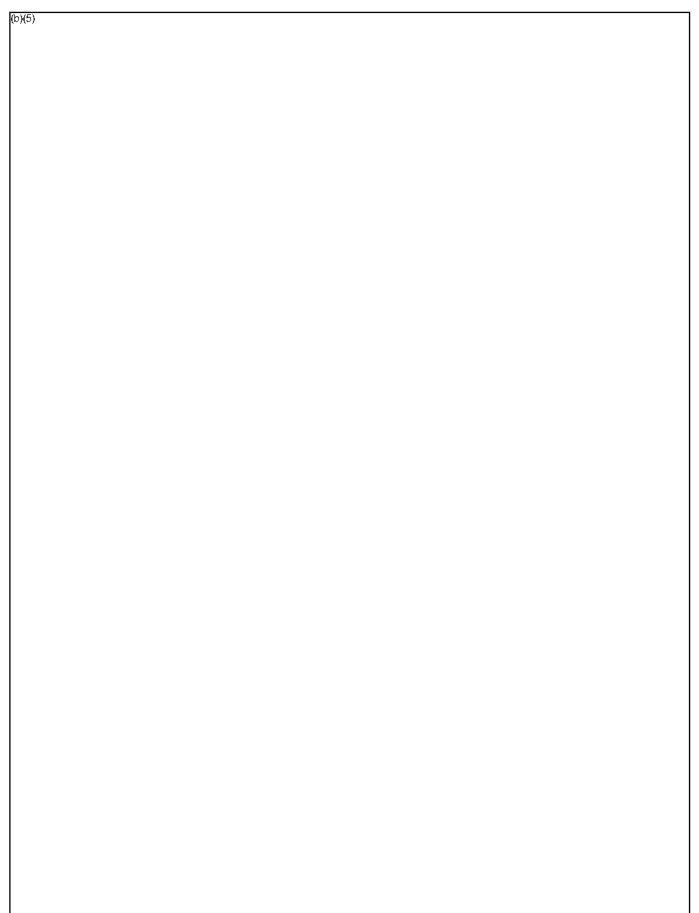
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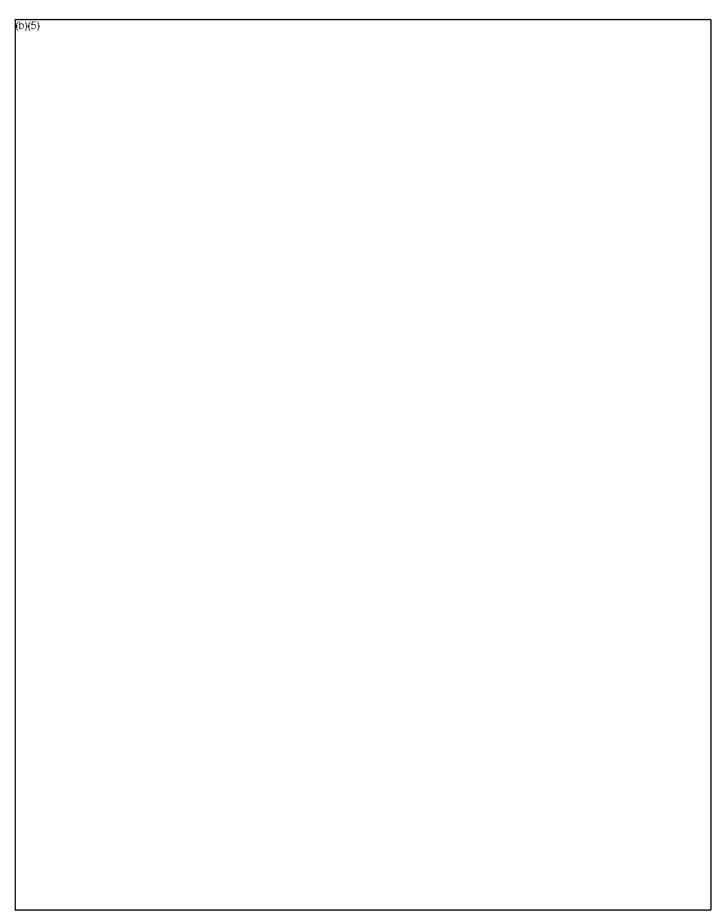
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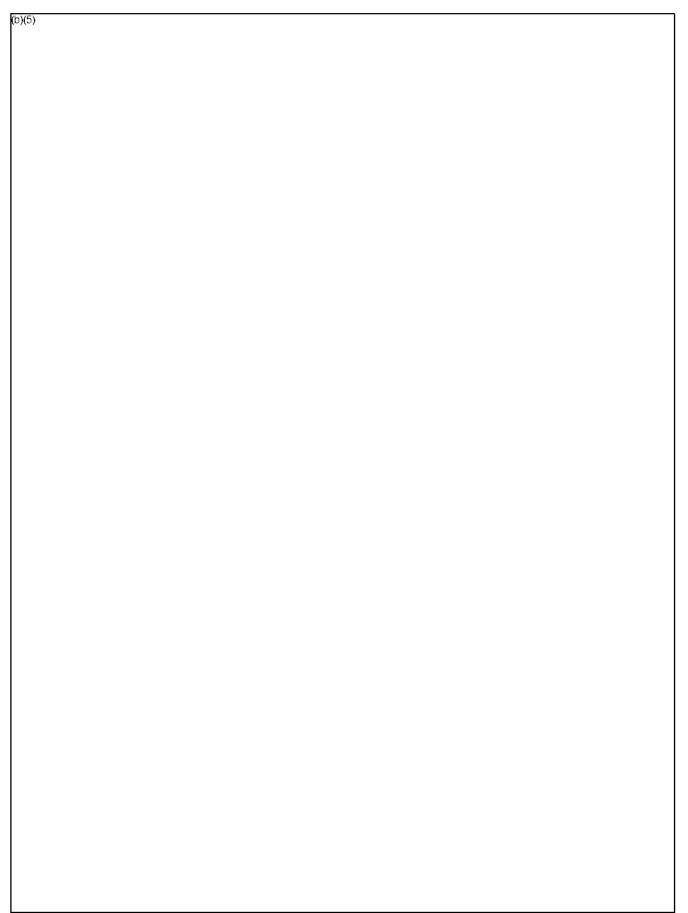
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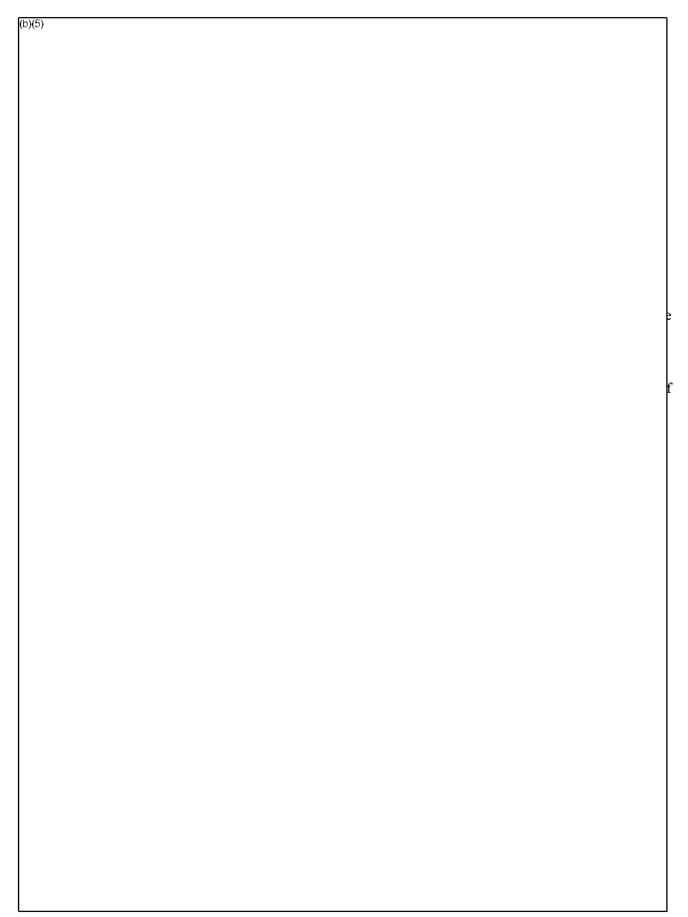
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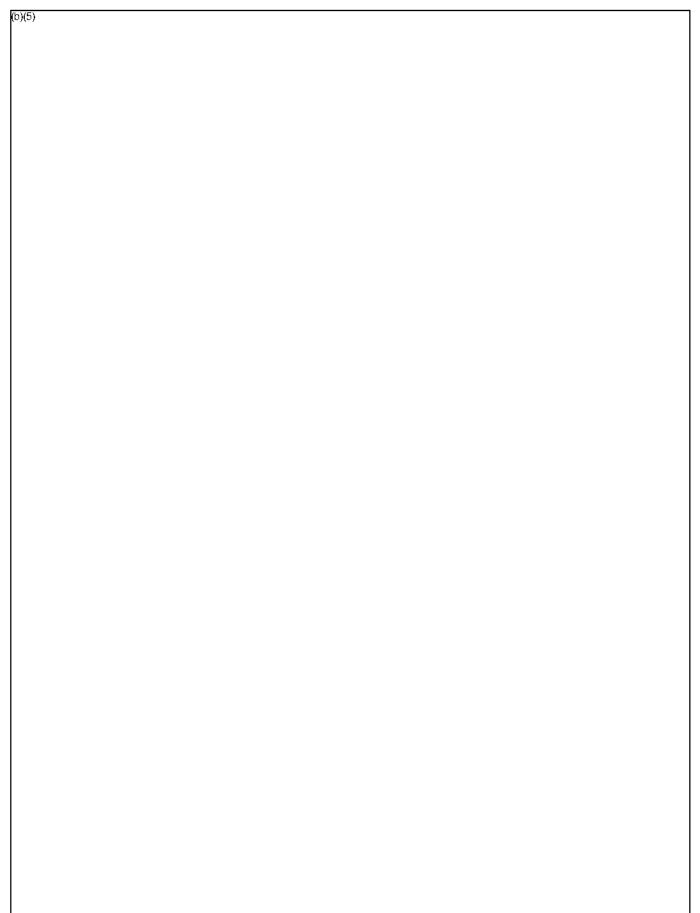
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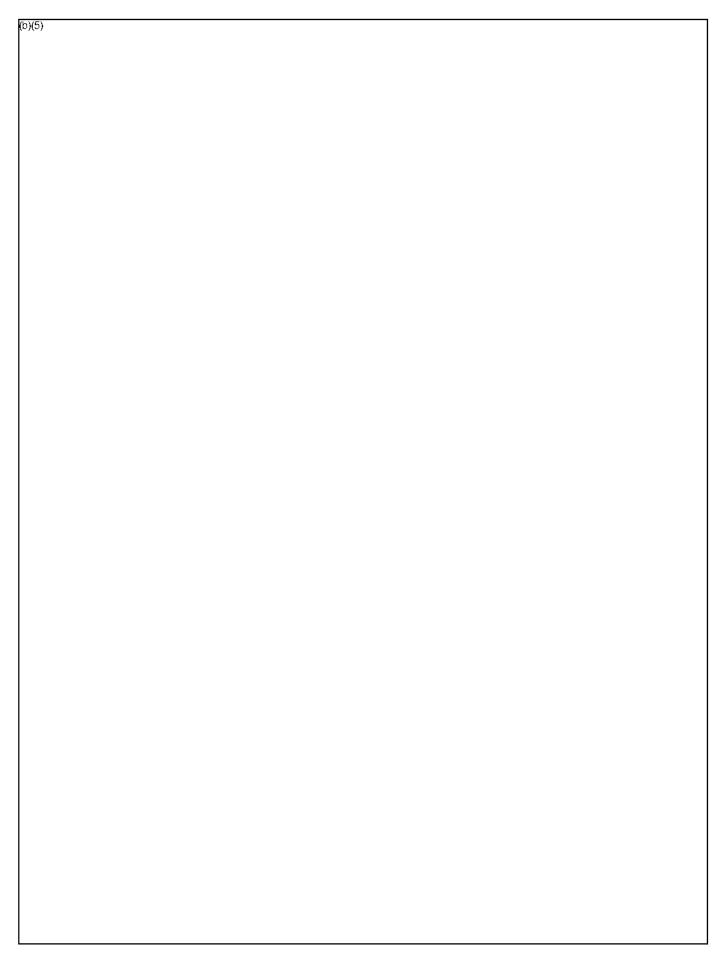
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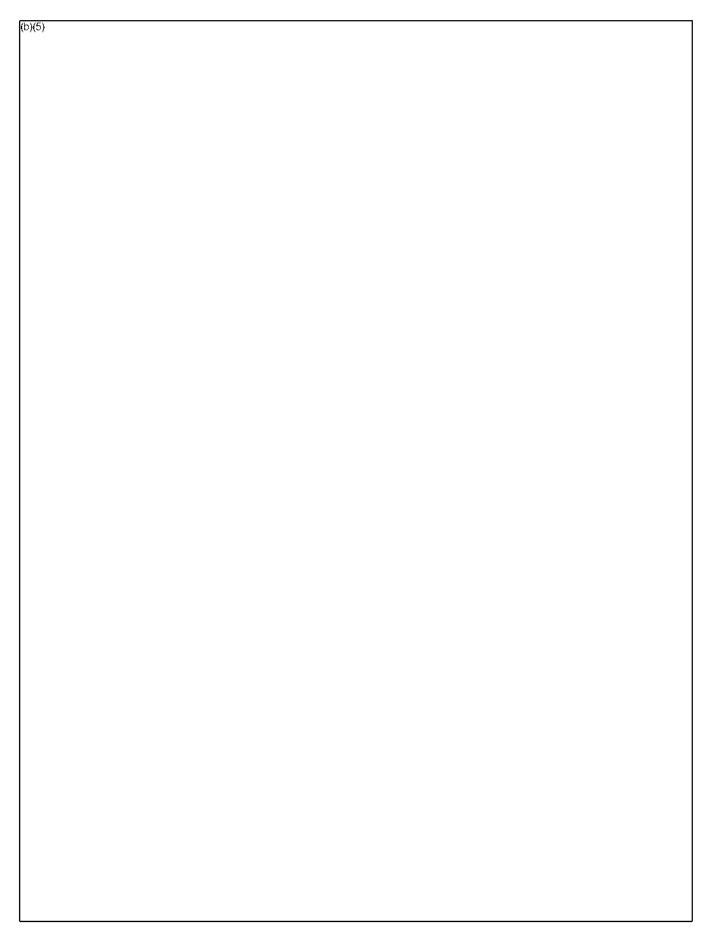
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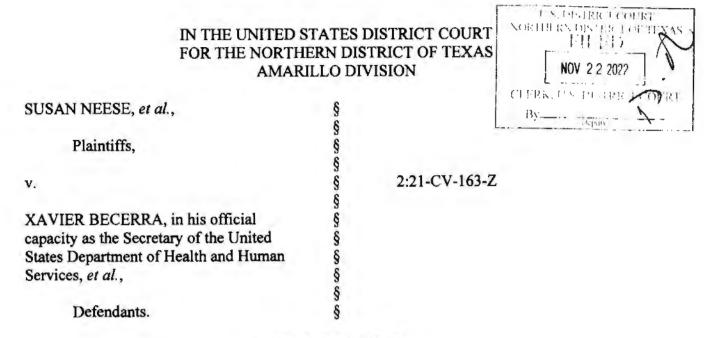
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U.S. Health and Human Services Office for Civil Rights

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

HHS-OS-2022-0012

Summary of Public Comments

November 18, 2022

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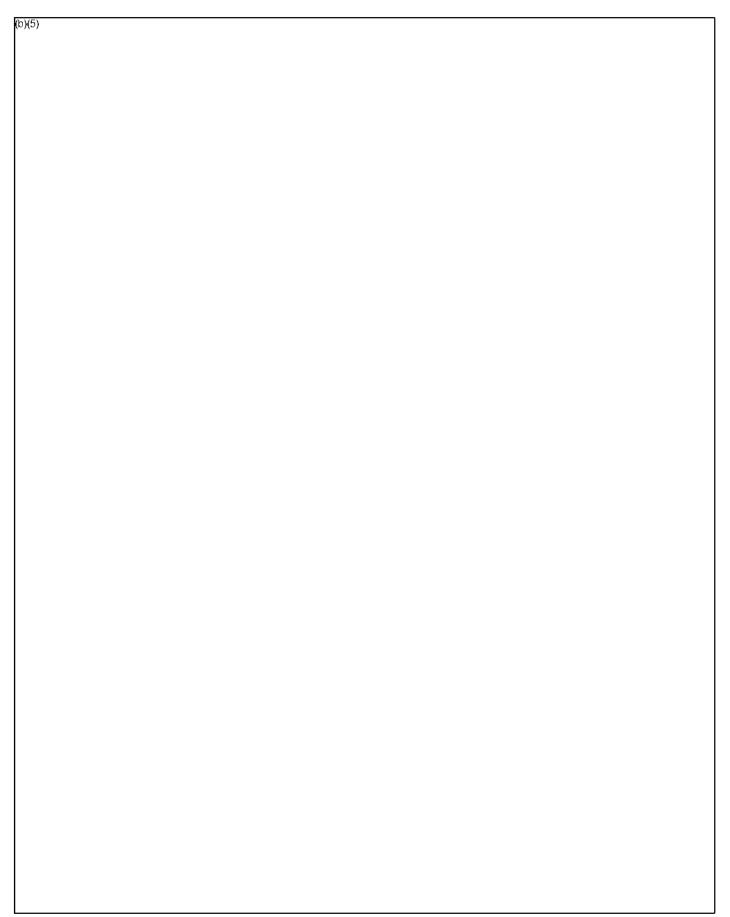
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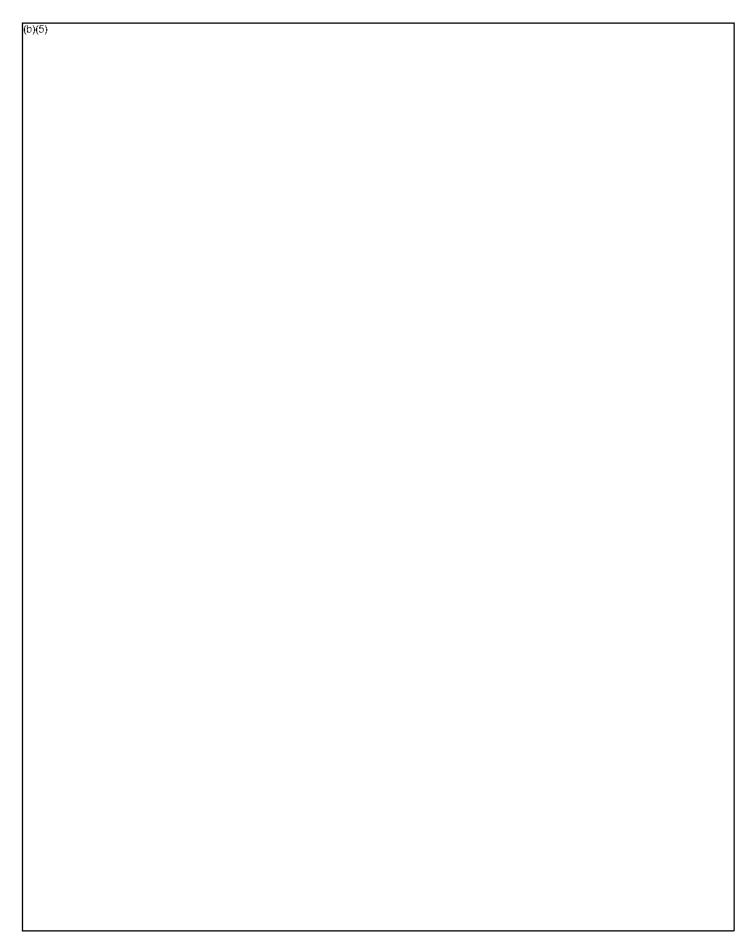
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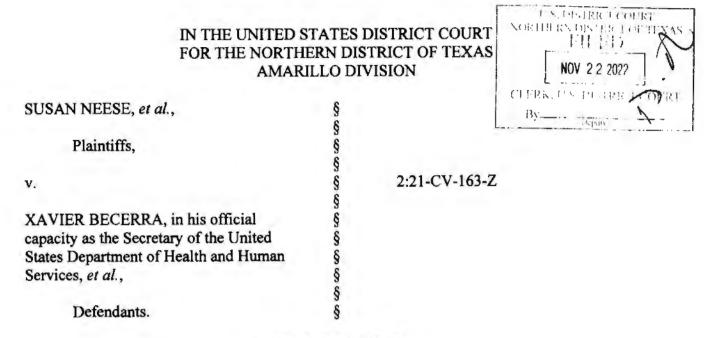
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U.S. Health and Human Services Office for Civil Rights

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

HHS-OS-2022-0012

Summary of Public Comments

November 18, 2022

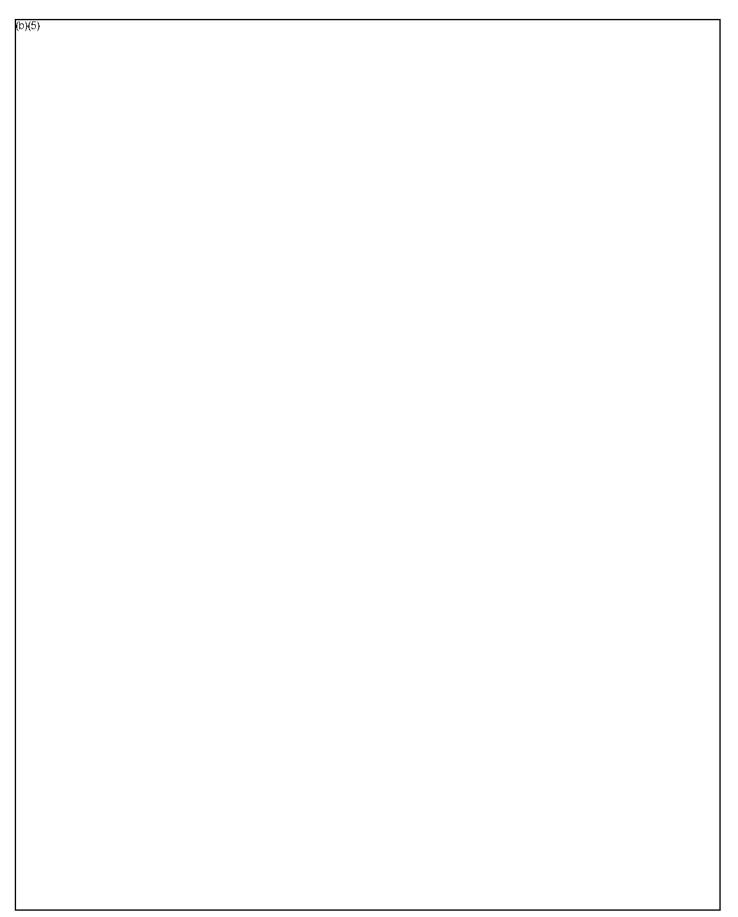
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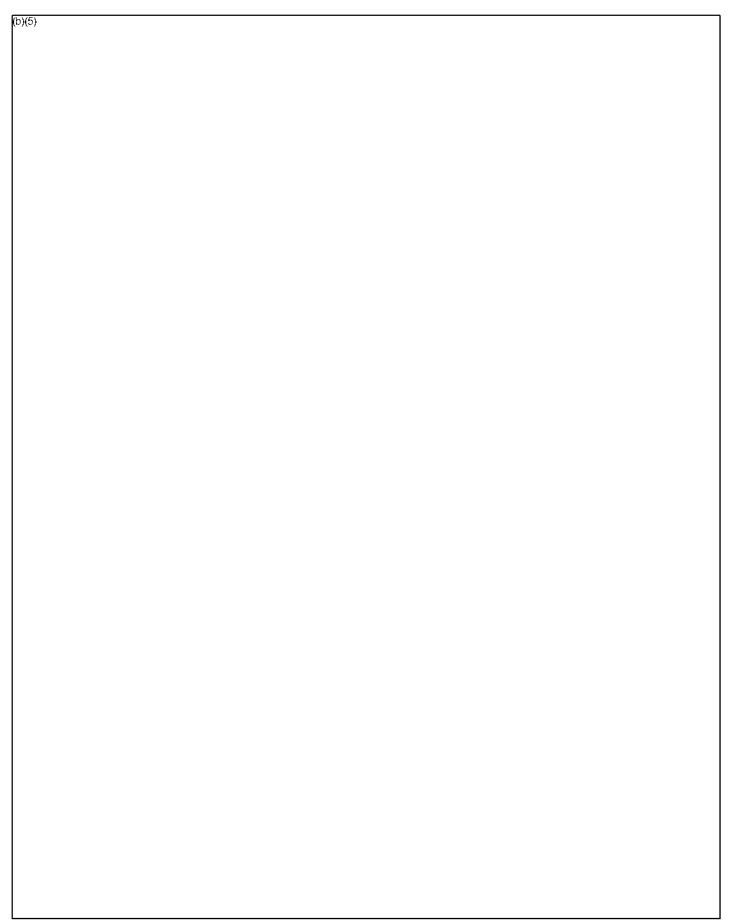
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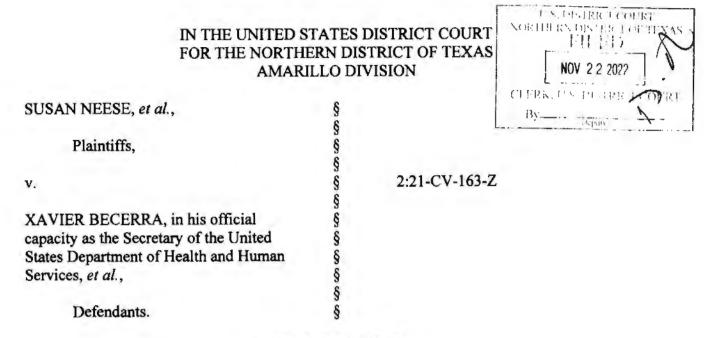
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U.S. Health and Human Services Office for Civil Rights

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

HHS-OS-2022-0012

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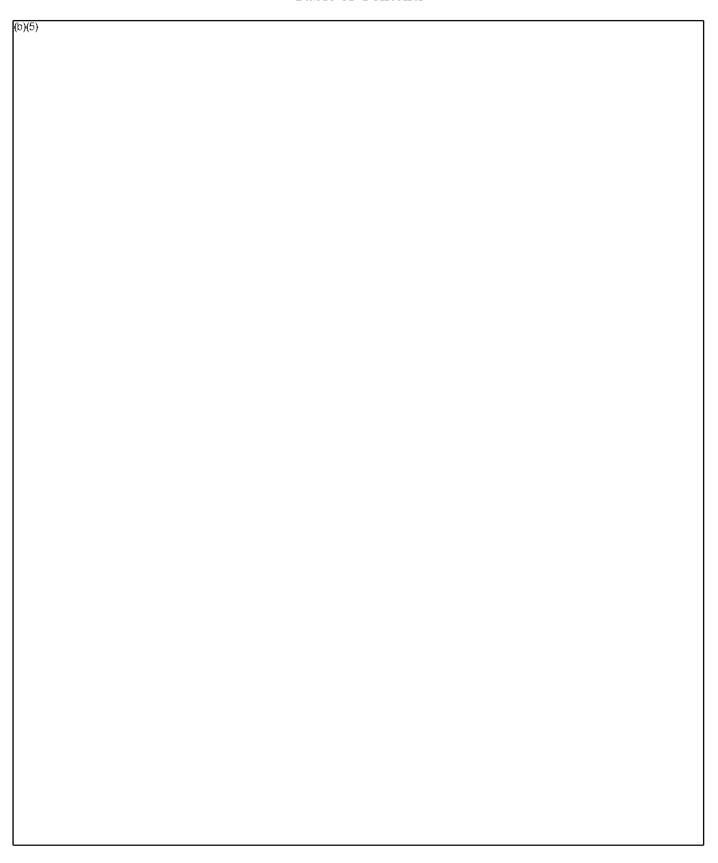
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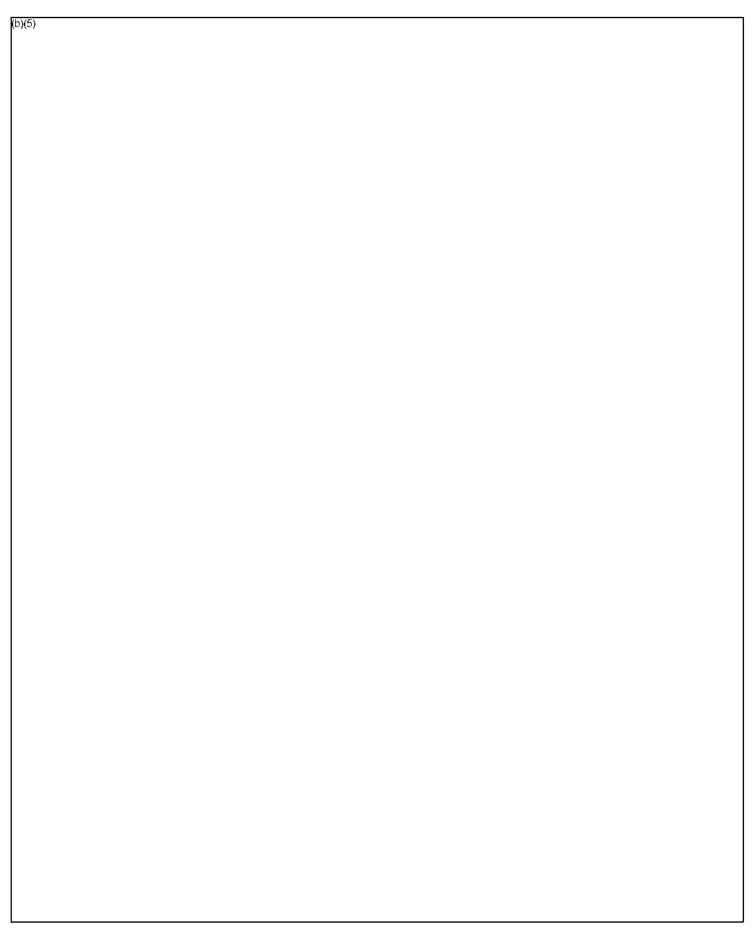
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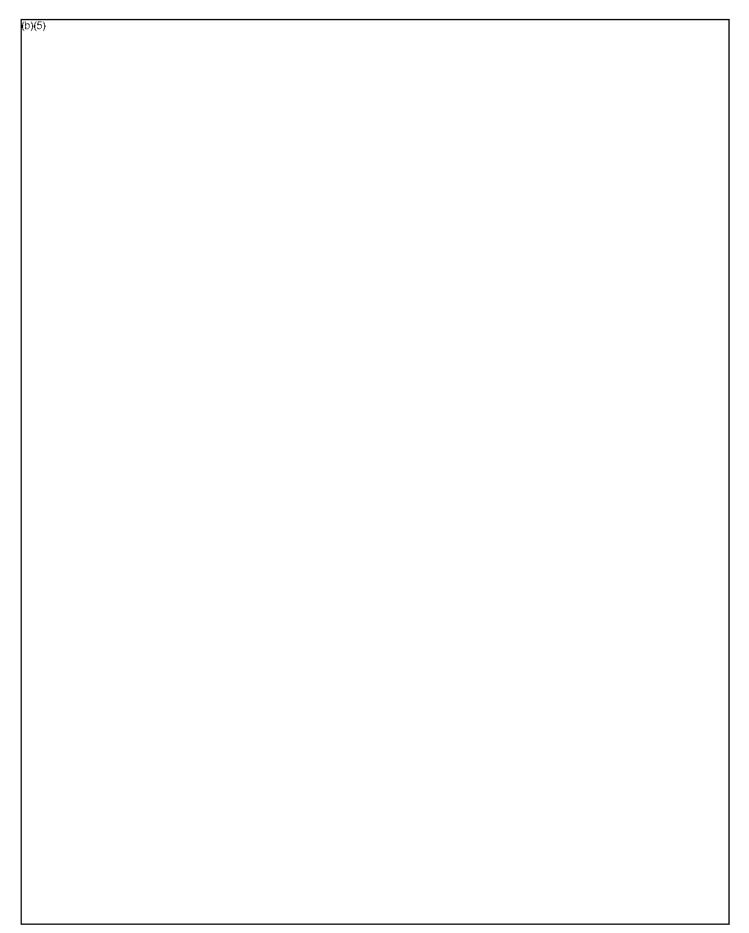
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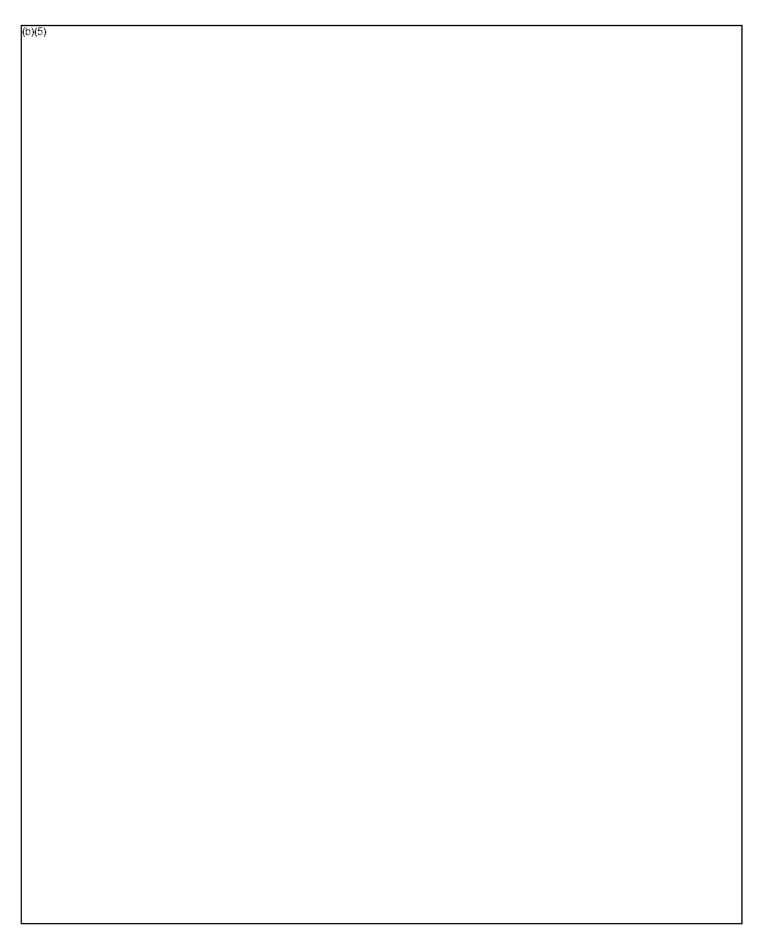
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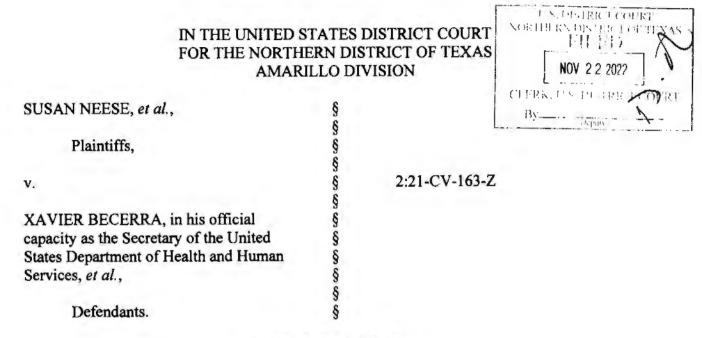
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U.S. Health and Human Services Office for Civil Rights

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

HHS-OS-2022-0012

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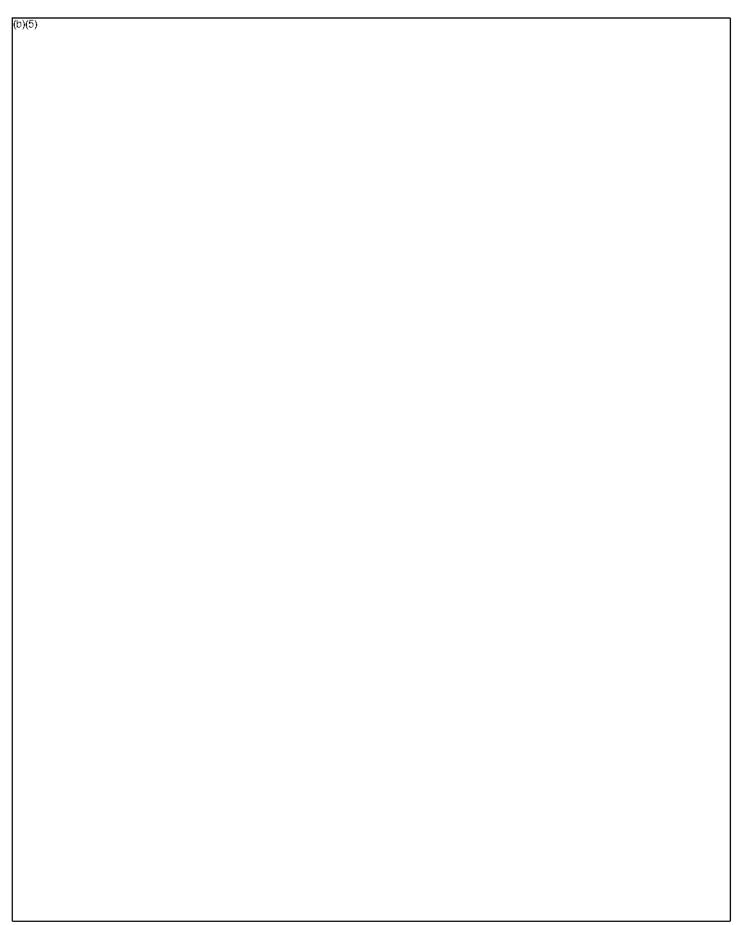
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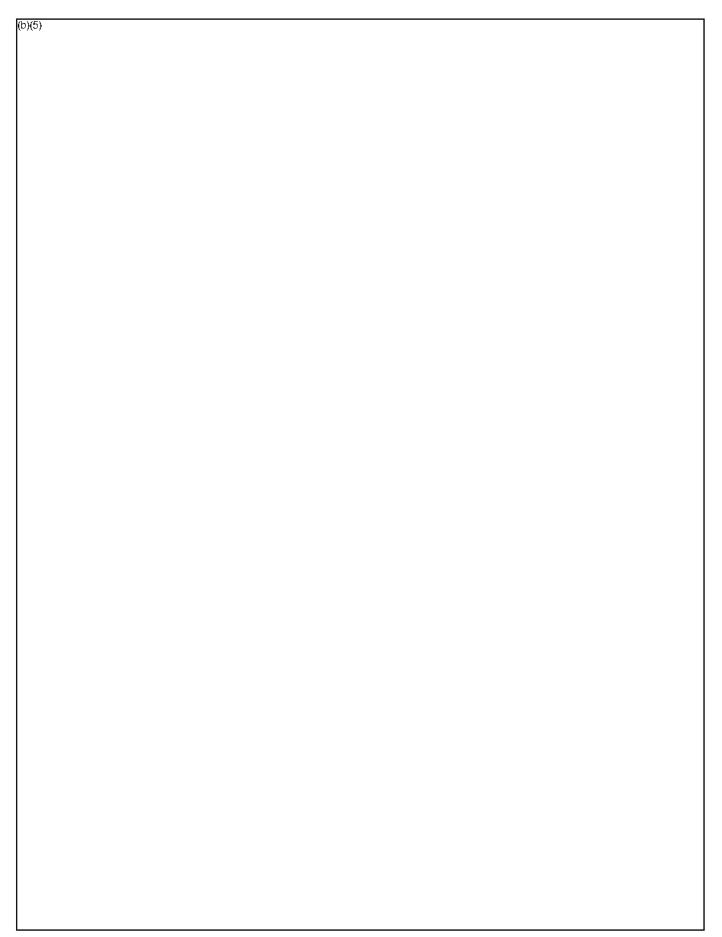
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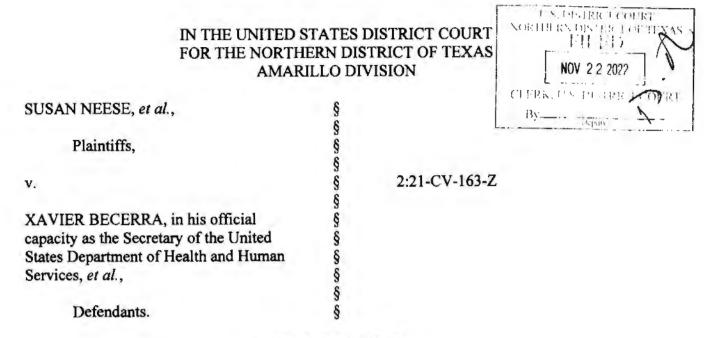
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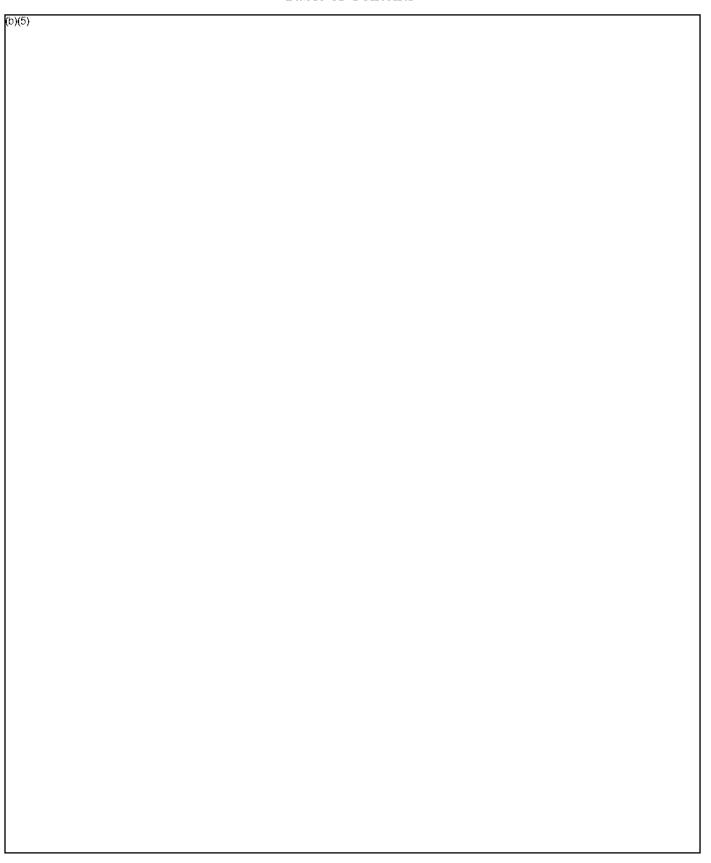
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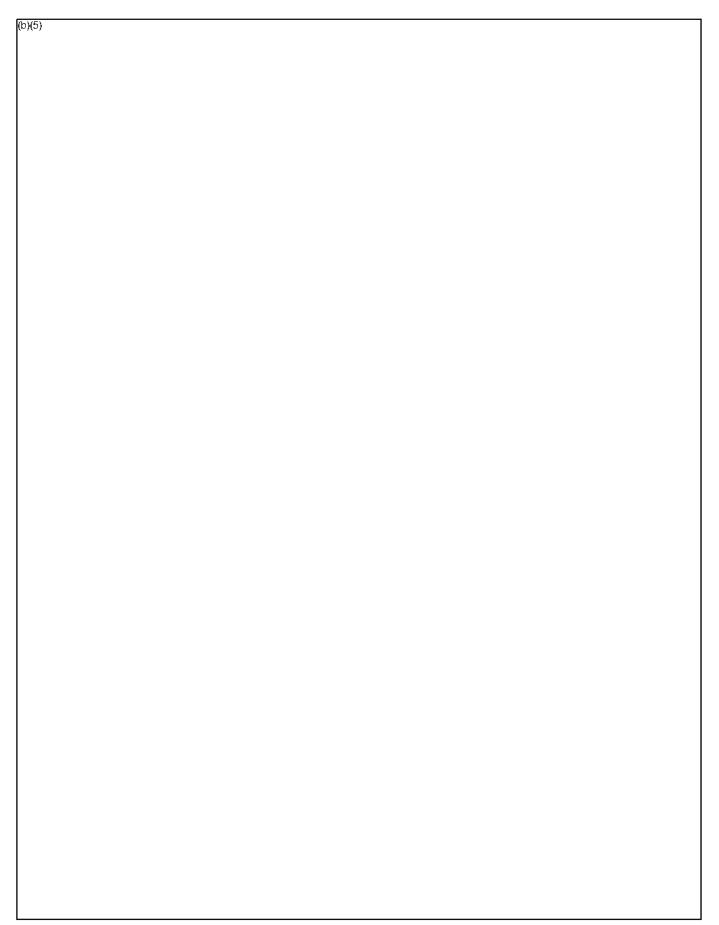
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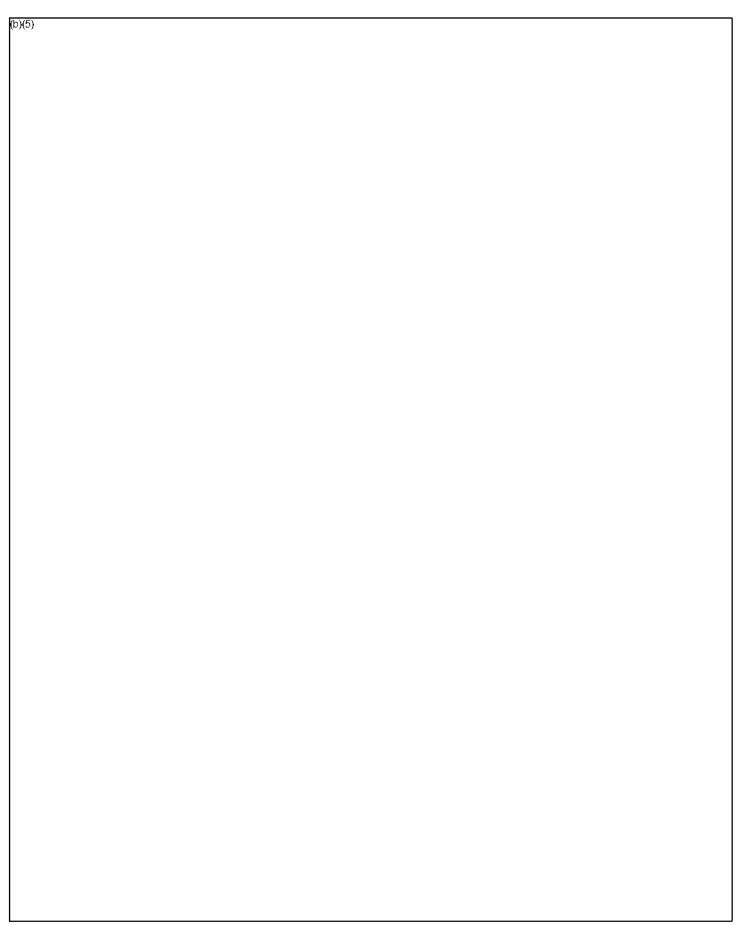
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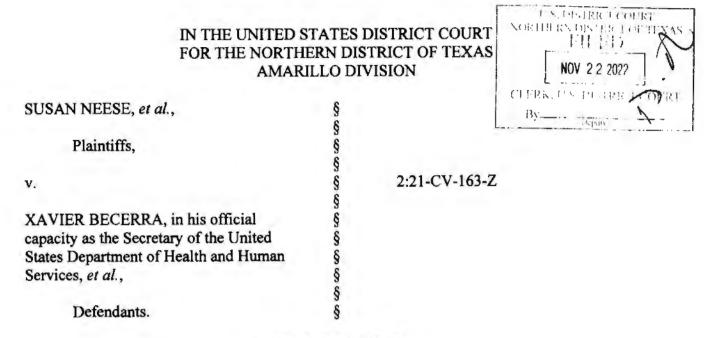
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November 27, 2022

MAXTHEW J. KACSMARYK

UNITED STATES DISTRICT JUDGE

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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

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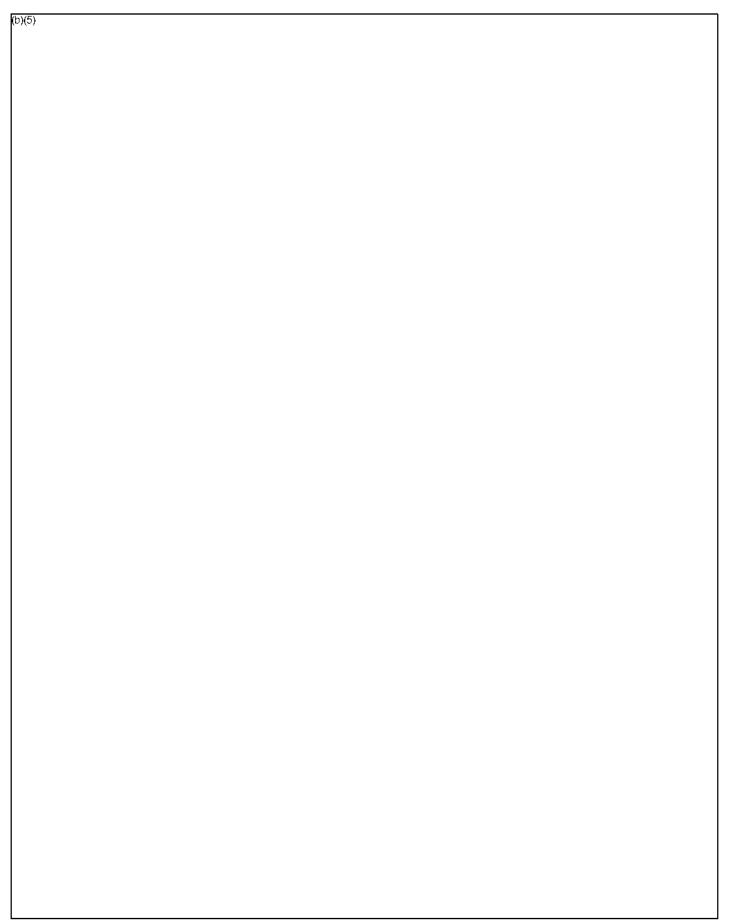
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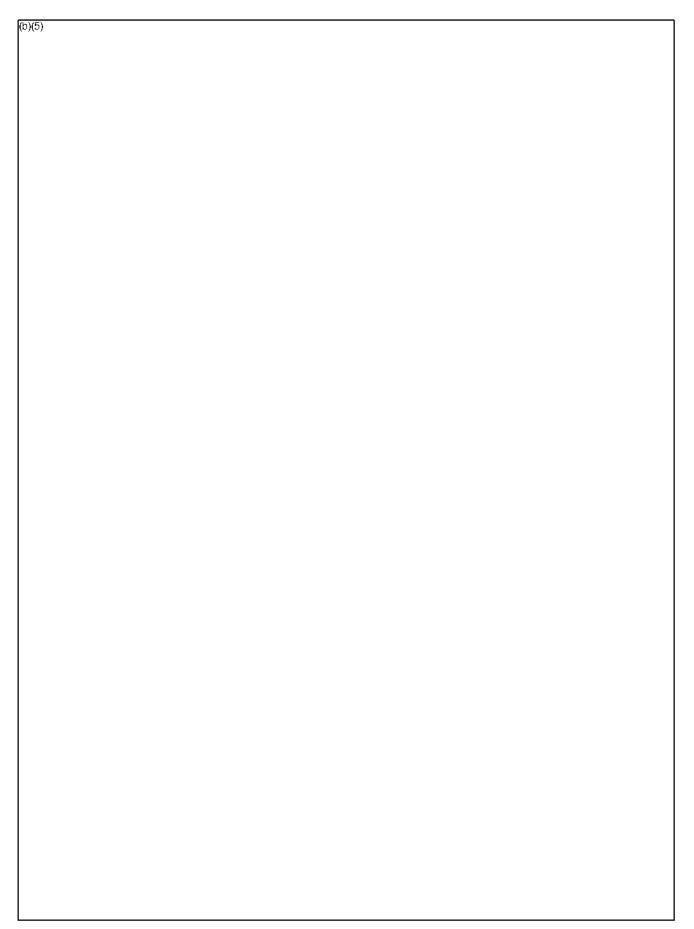
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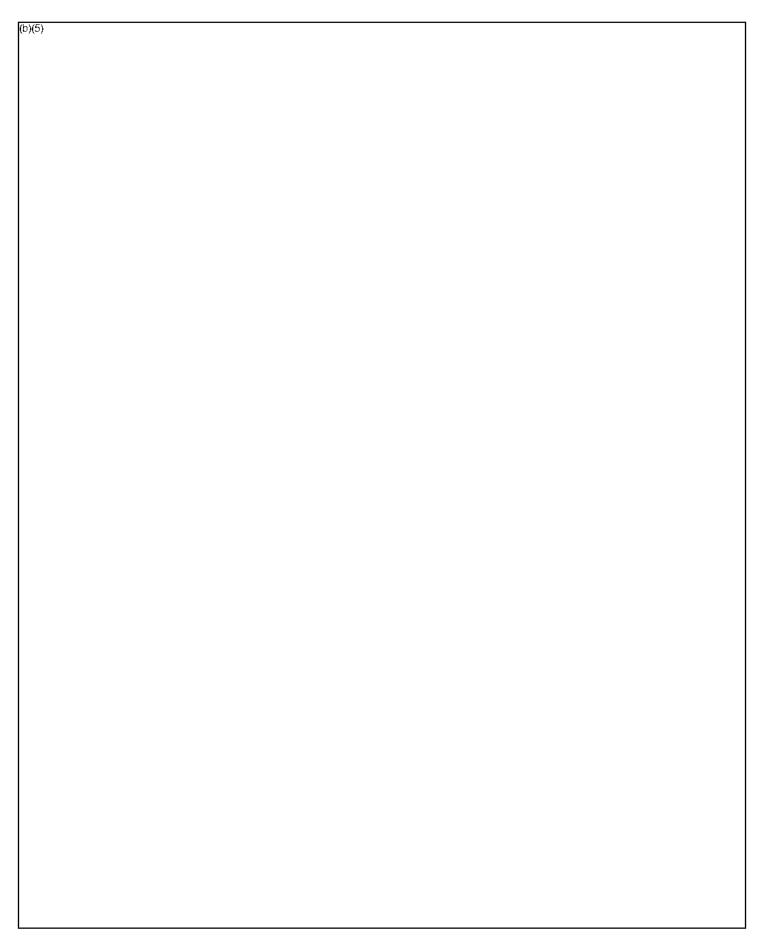
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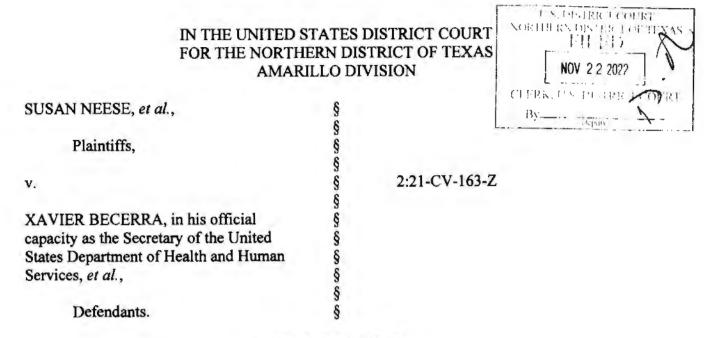
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U.S. Health and Human Services Office for Civil Rights

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

HHS-OS-2022-0012

Summary of Public Comments

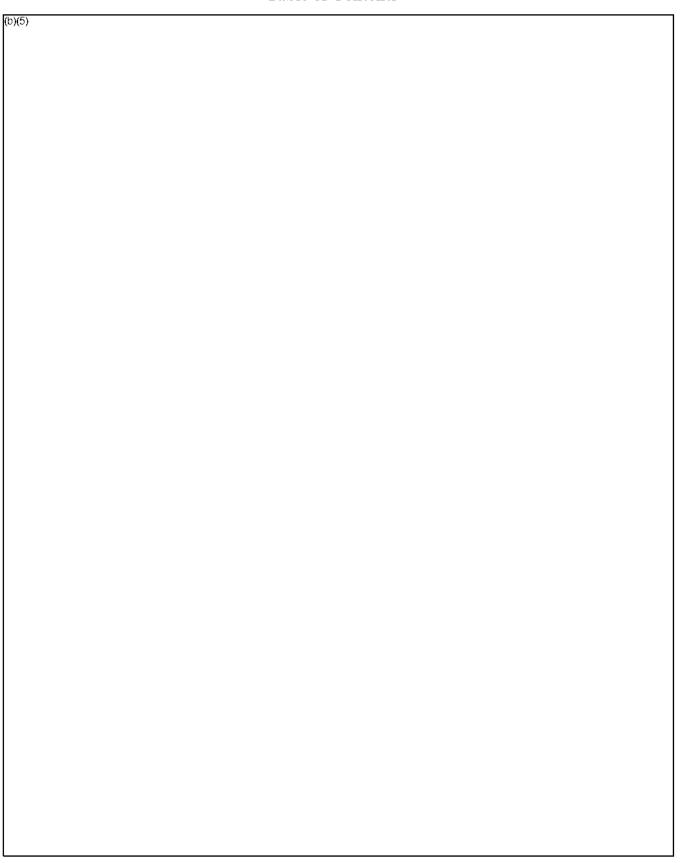
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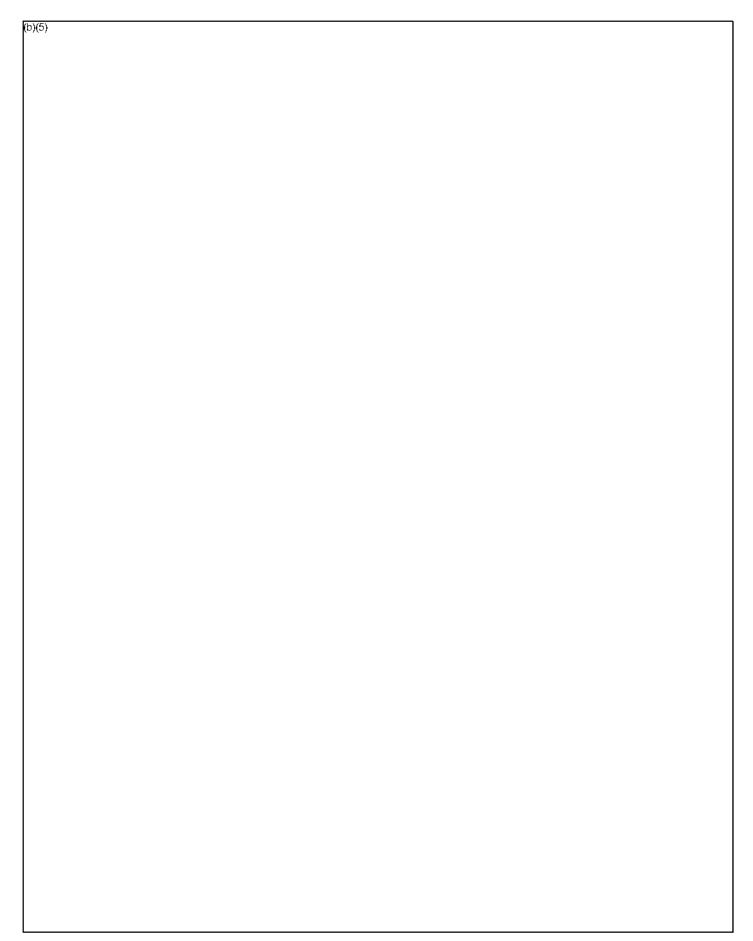
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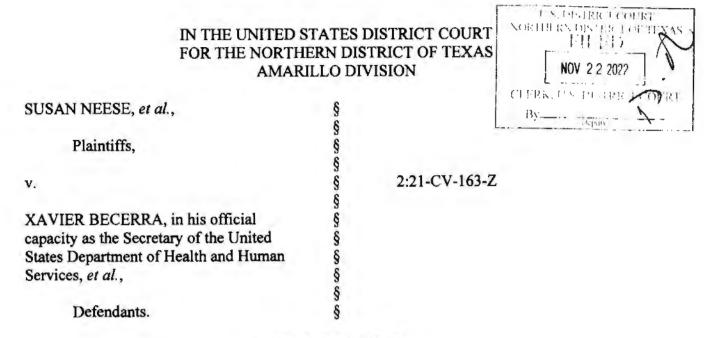
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U.S. Health and Human Services Office for Civil Rights

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

HHS-OS-2022-0012

Summary of Public Comments

November 18, 2022

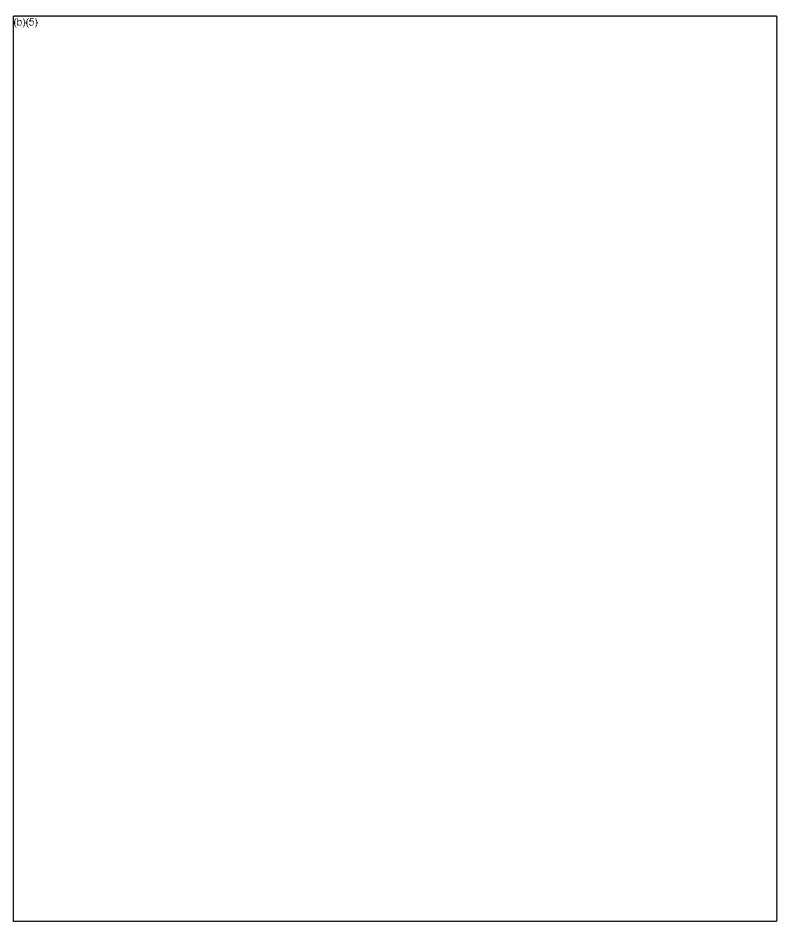
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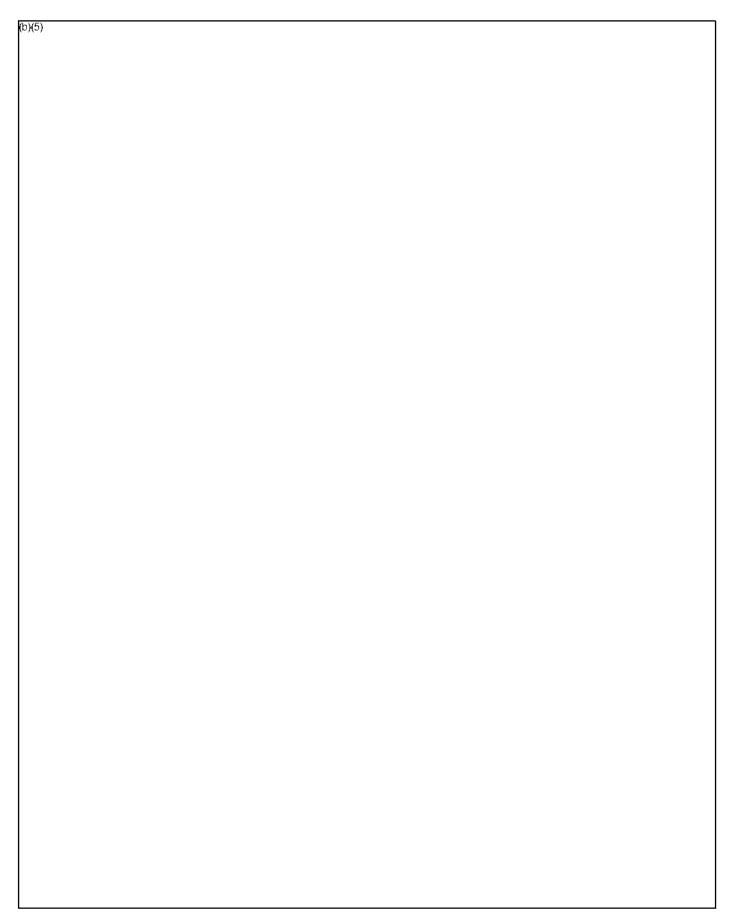
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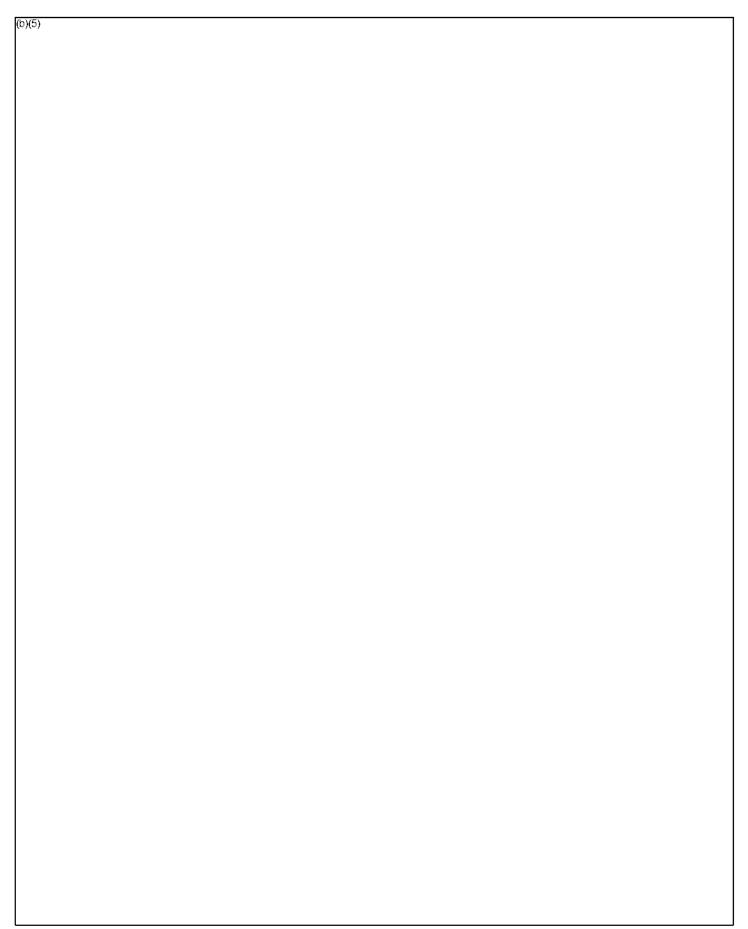
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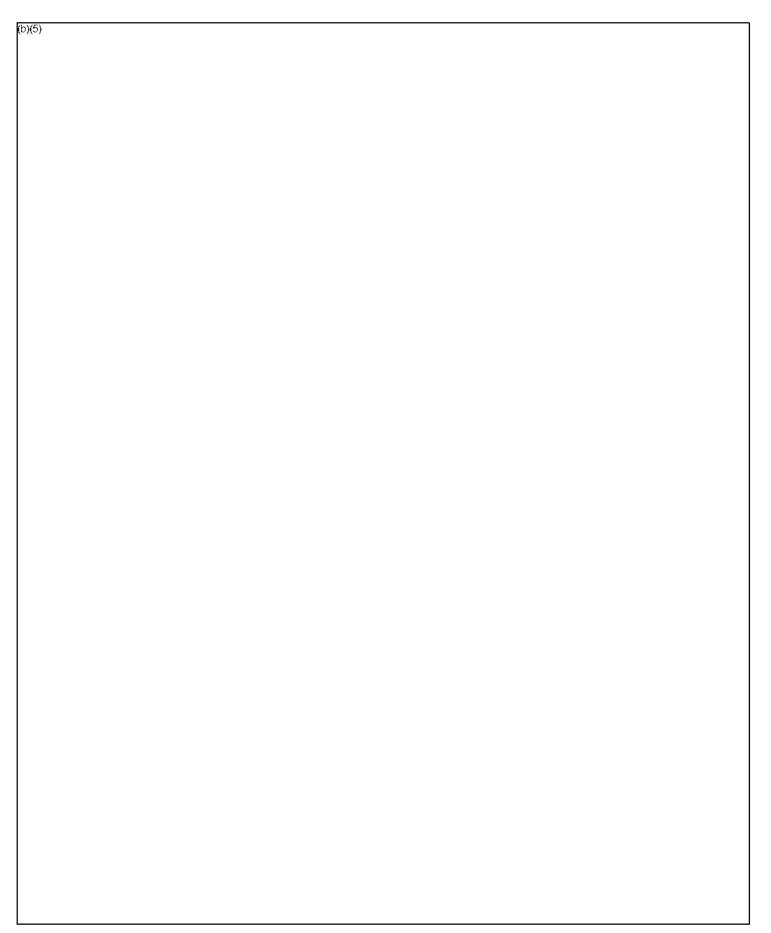
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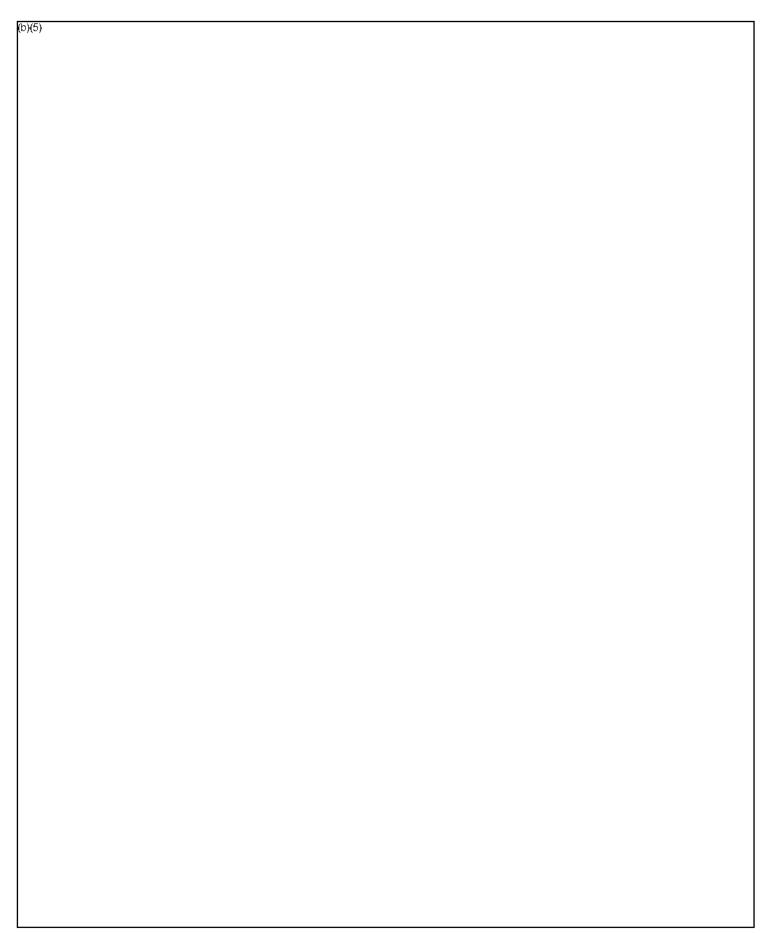


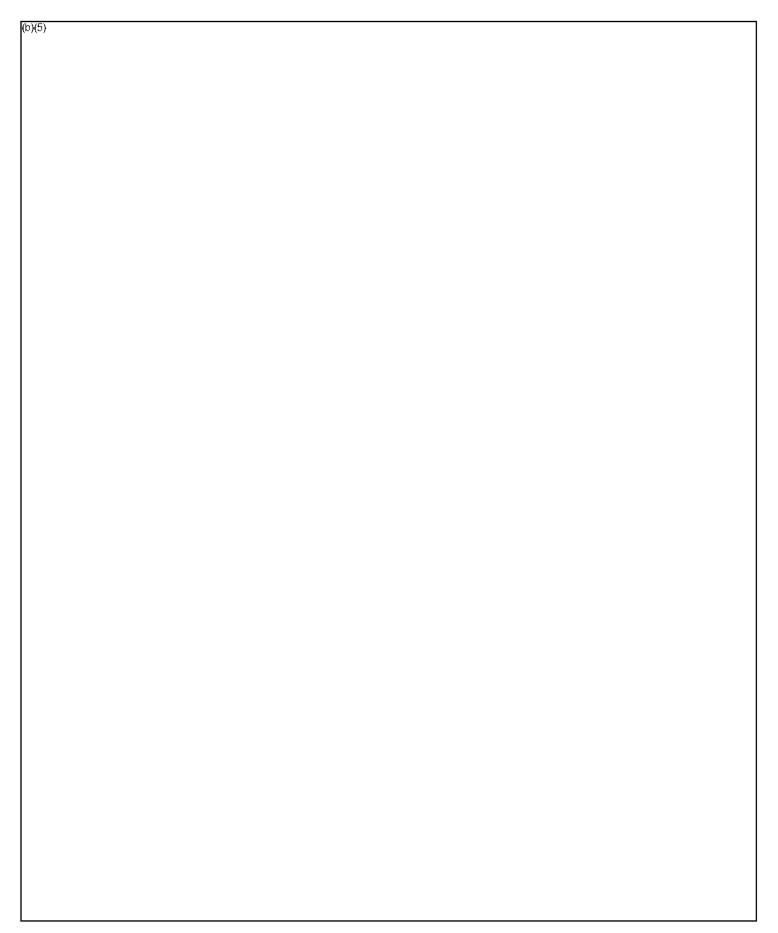


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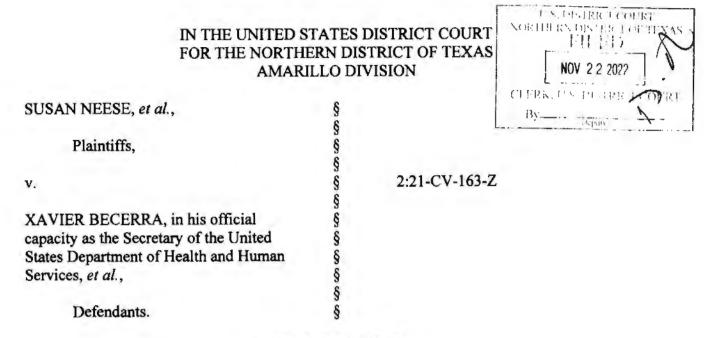
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U.S. Health and Human Services Office for Civil Rights

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

HHS-OS-2022-0012

Summary of Public Comments

November 18, 2022

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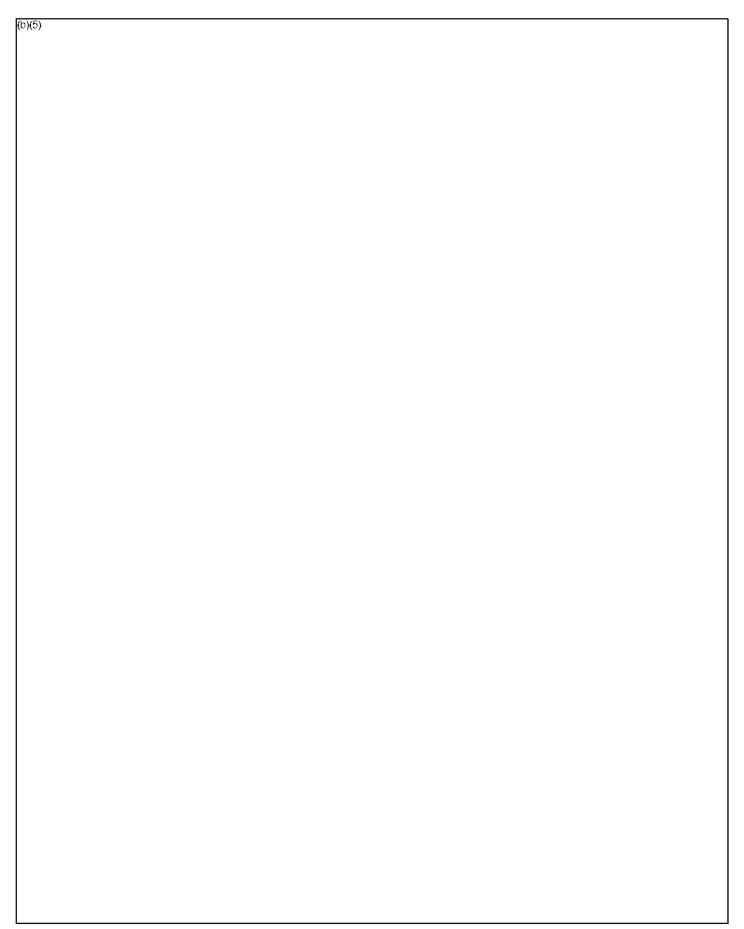
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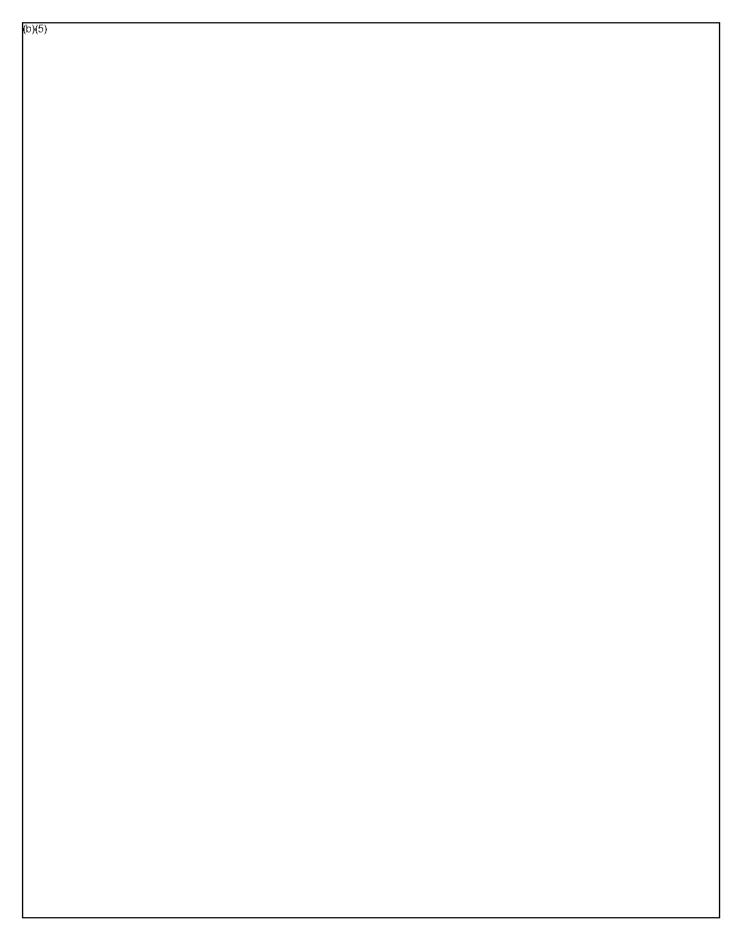
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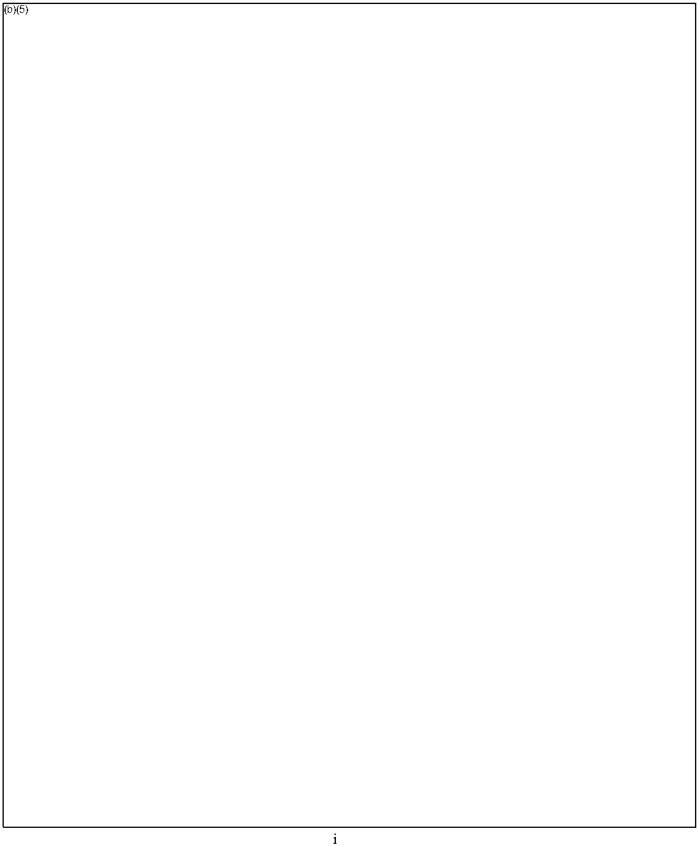
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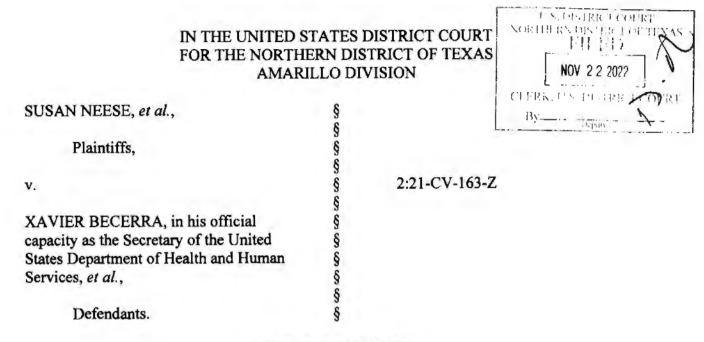
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U.S. Health and Human Services Office for Civil Rights

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

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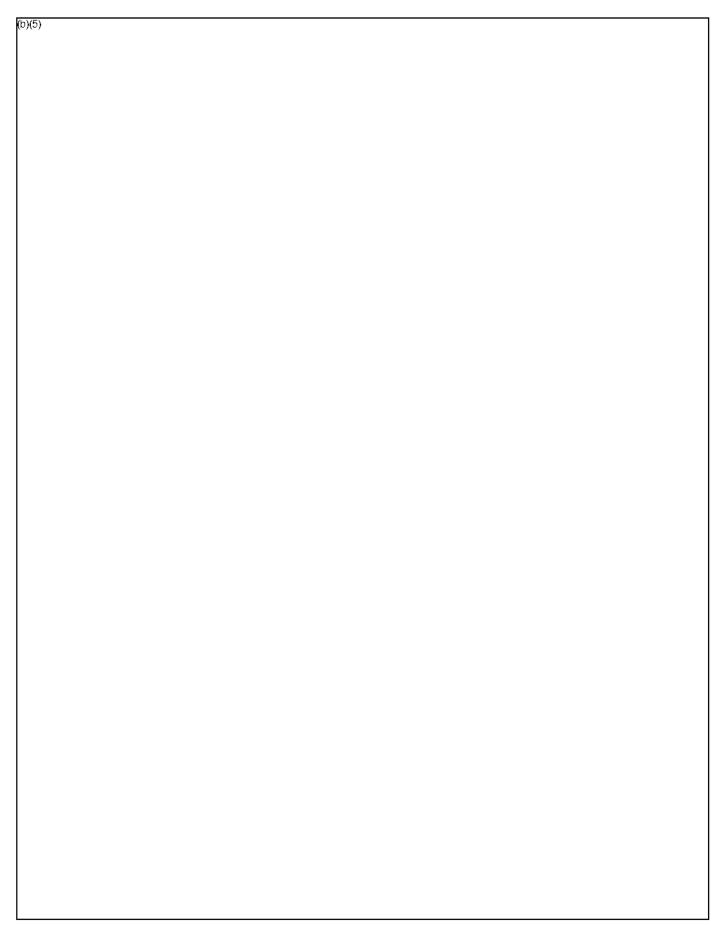
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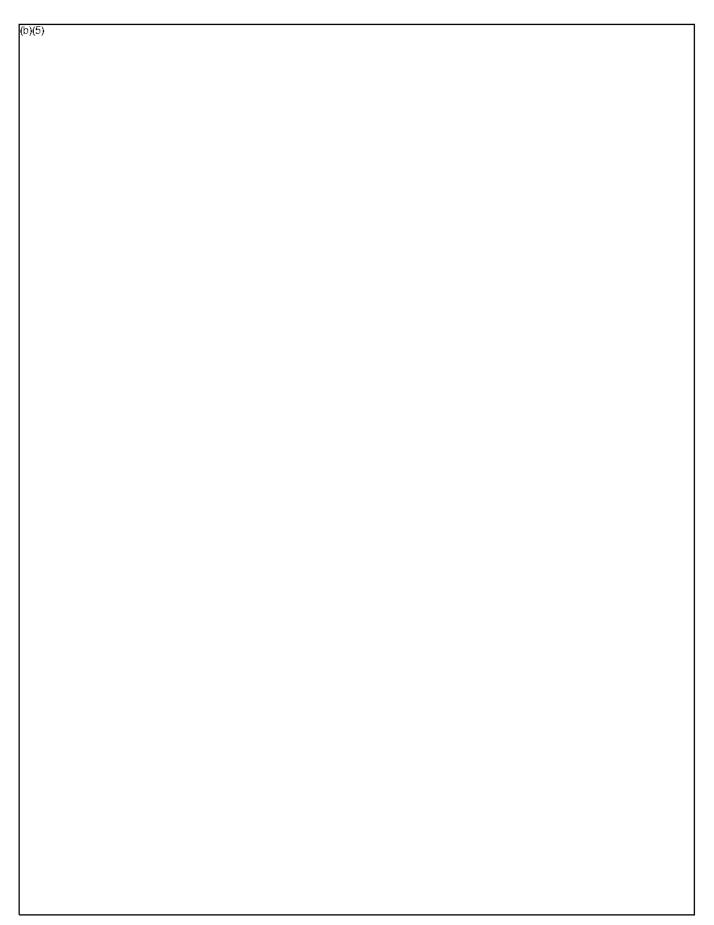
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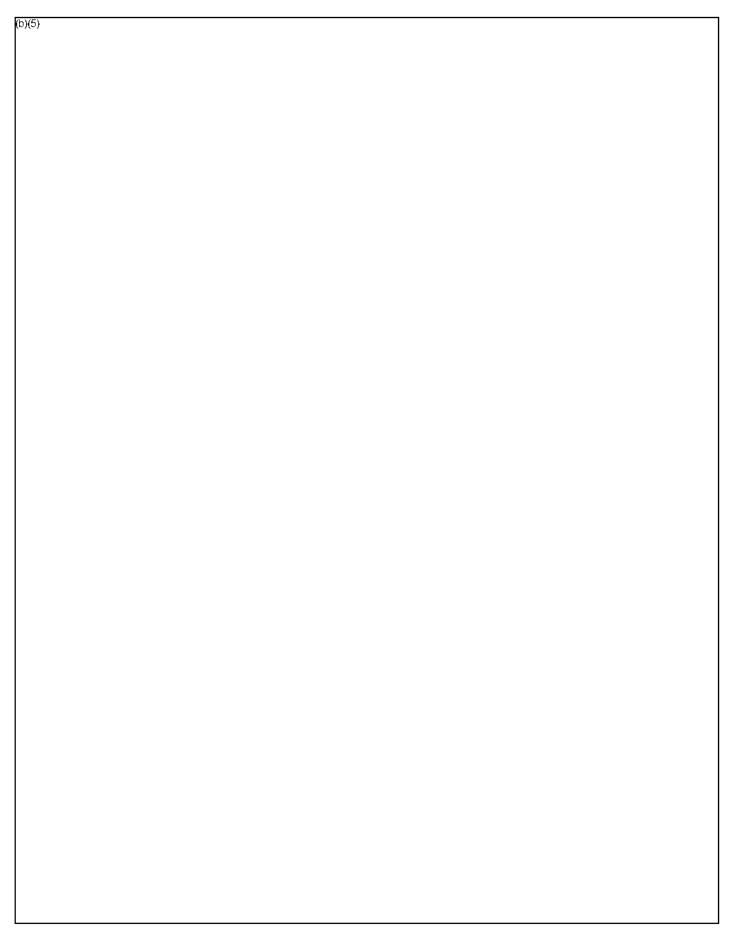
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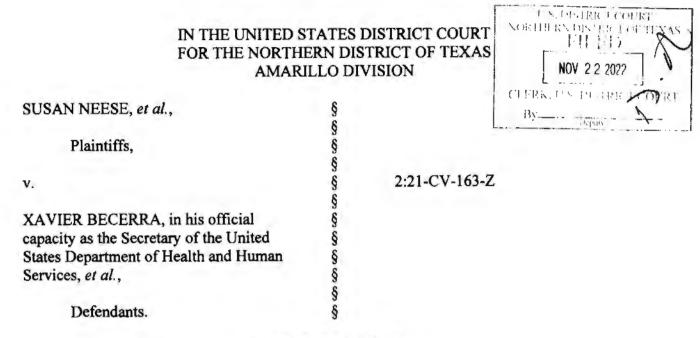
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November **22**, 2022

MATTHEW J. KACSMARYK

UNITED STATES DISTRICT JUDGE

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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

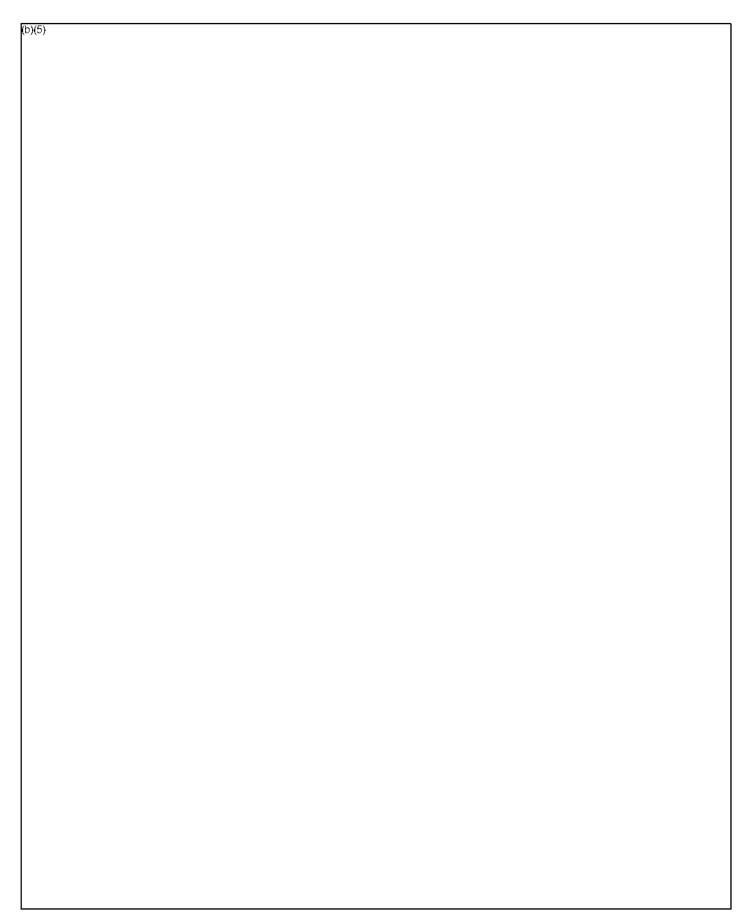
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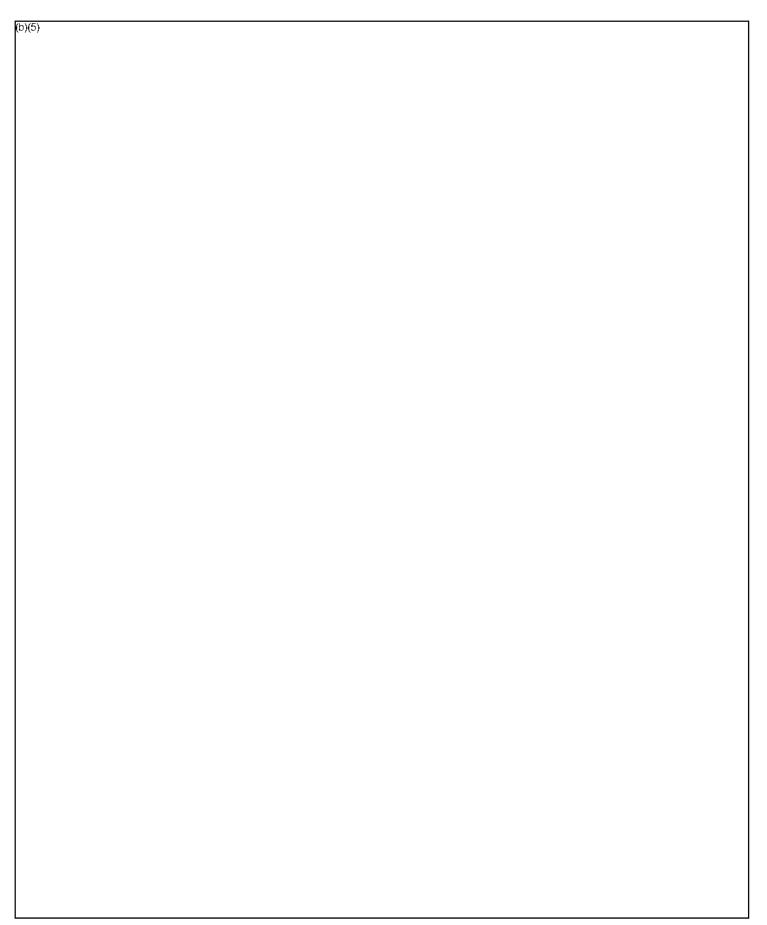


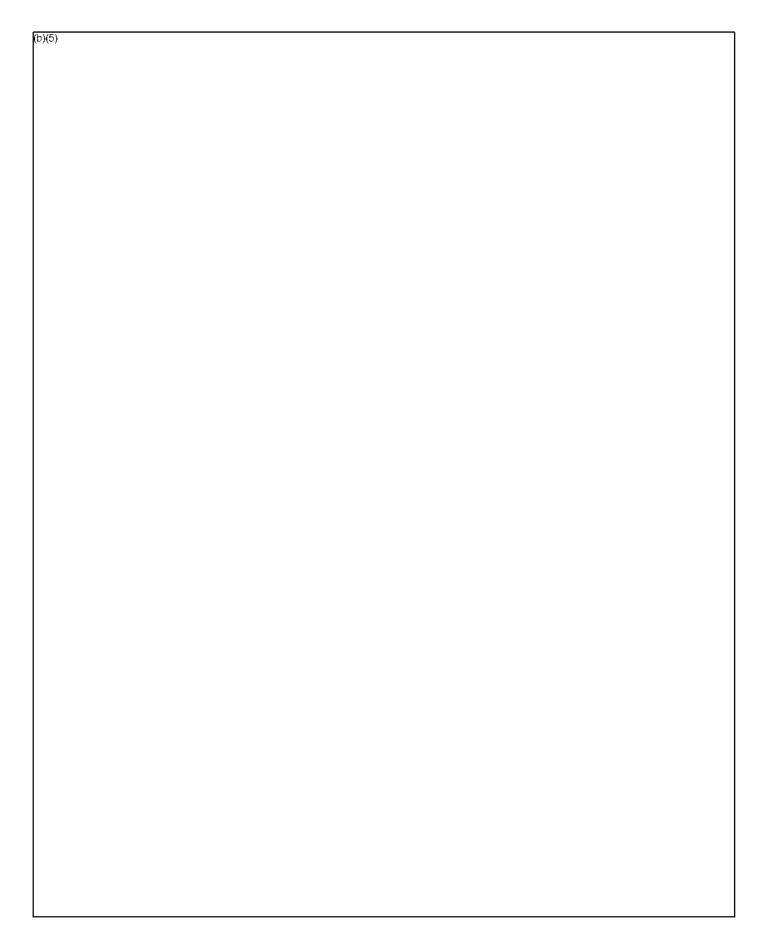
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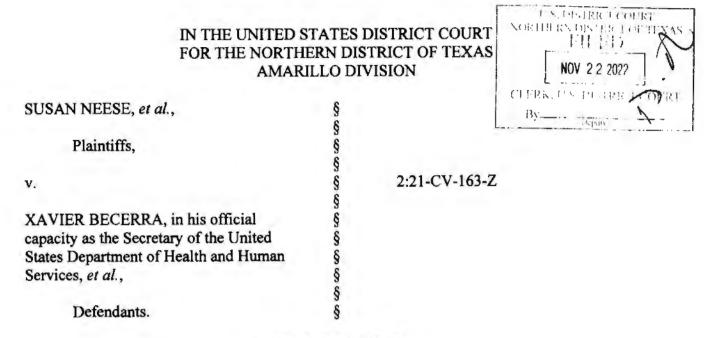
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UNITED STATES DISTRICT JUDGE

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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

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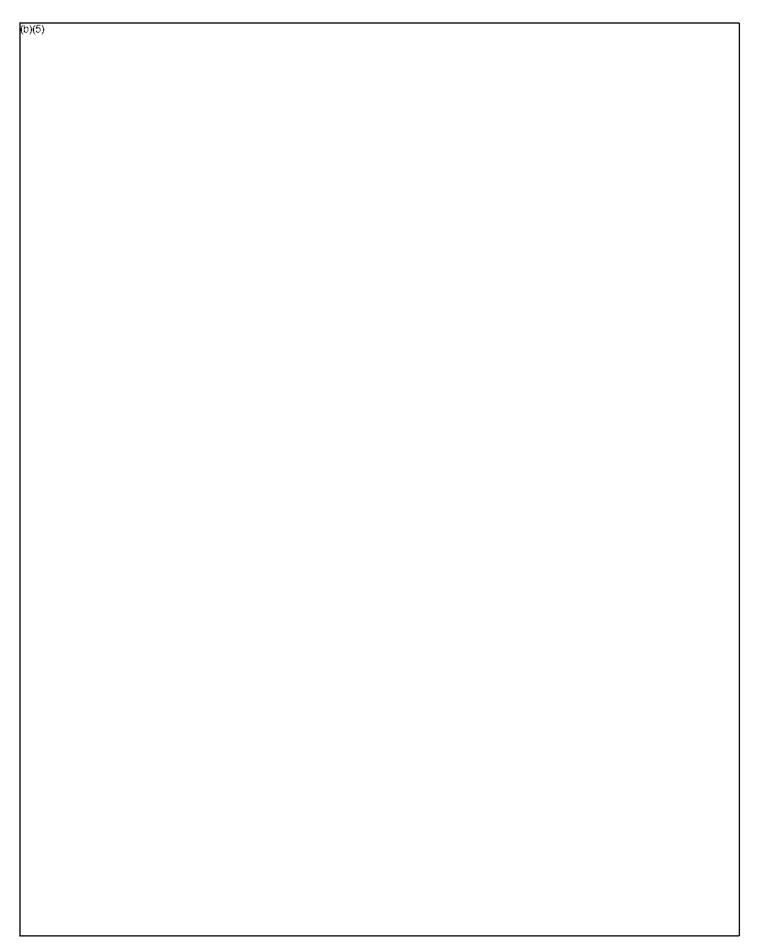
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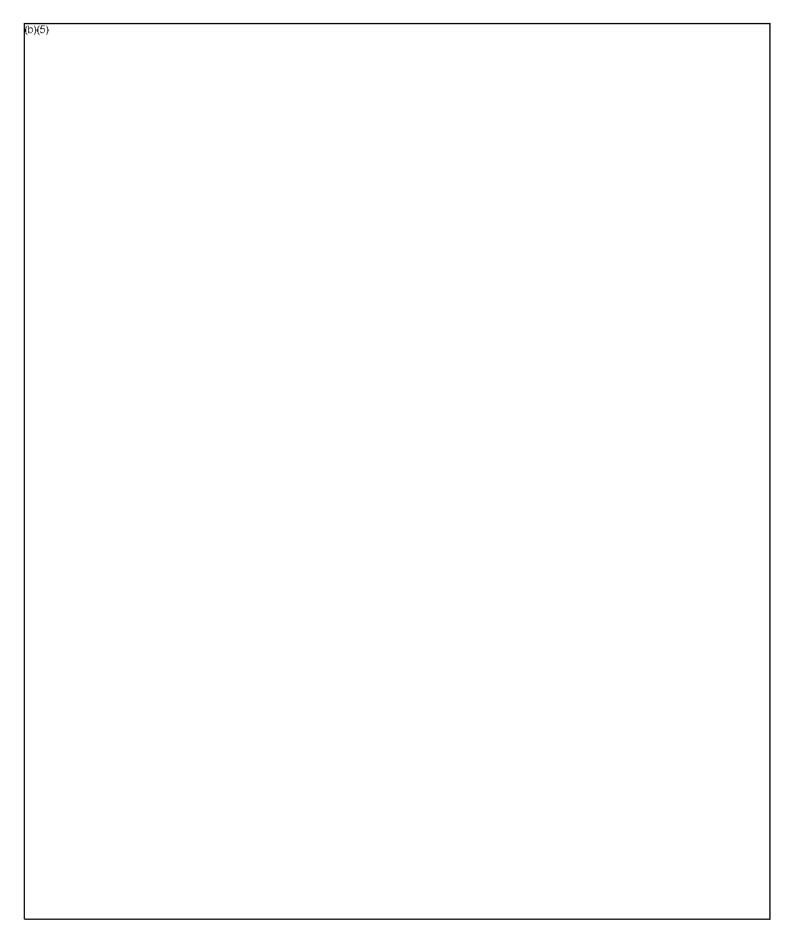
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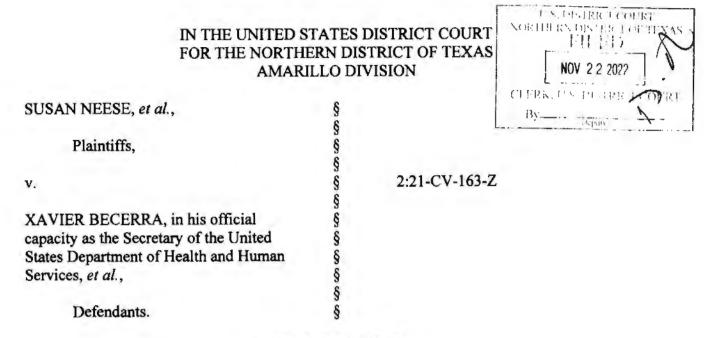
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MATTHEW J. KACSMARYK

UNITED STATES DISTRICT JUDGE

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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

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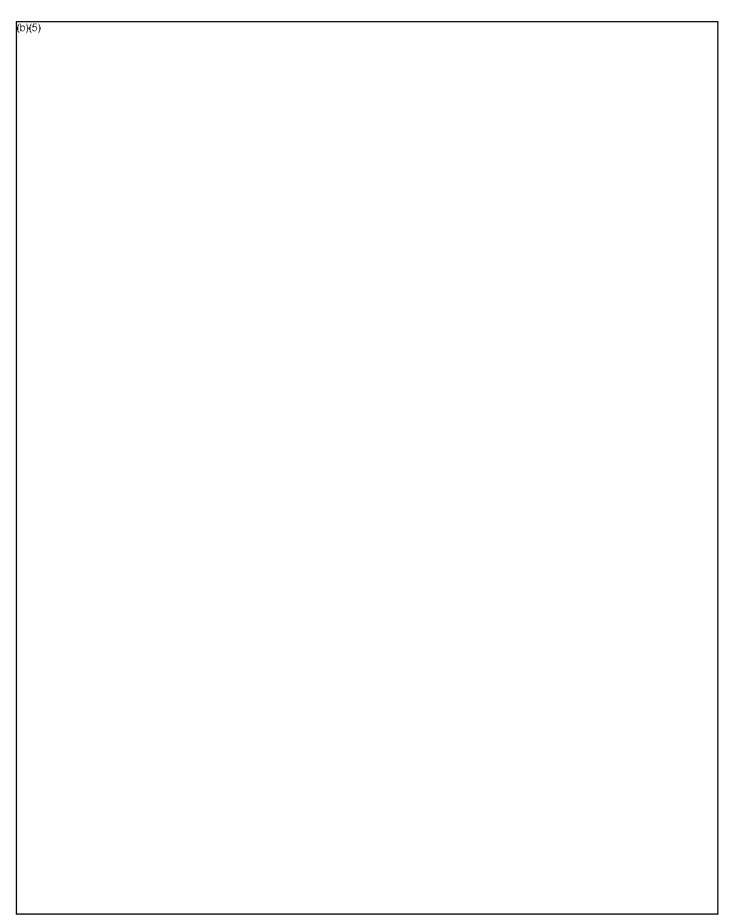
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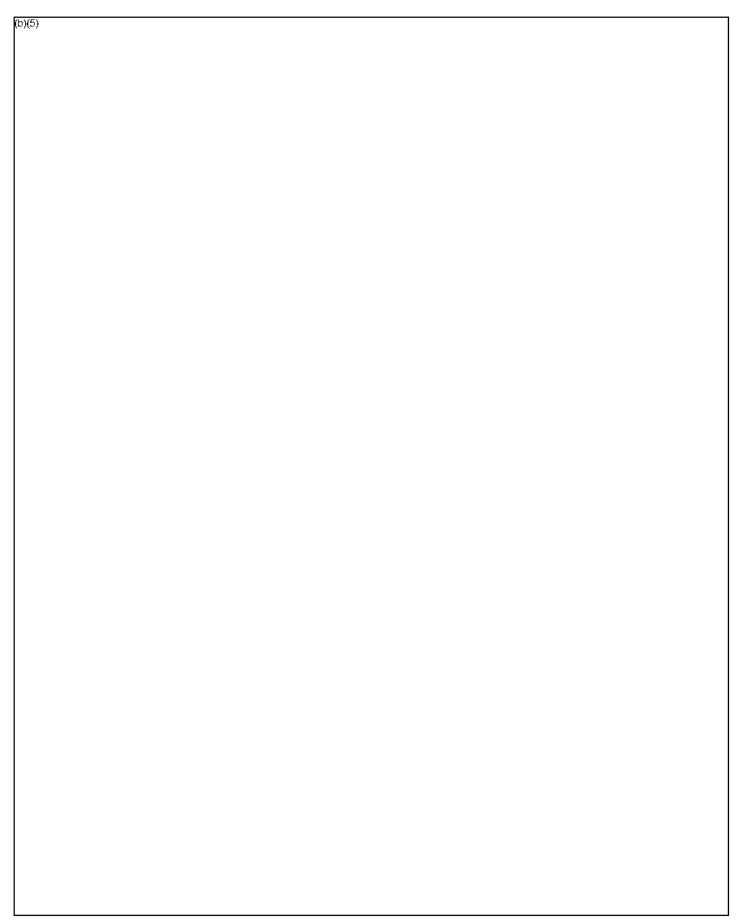
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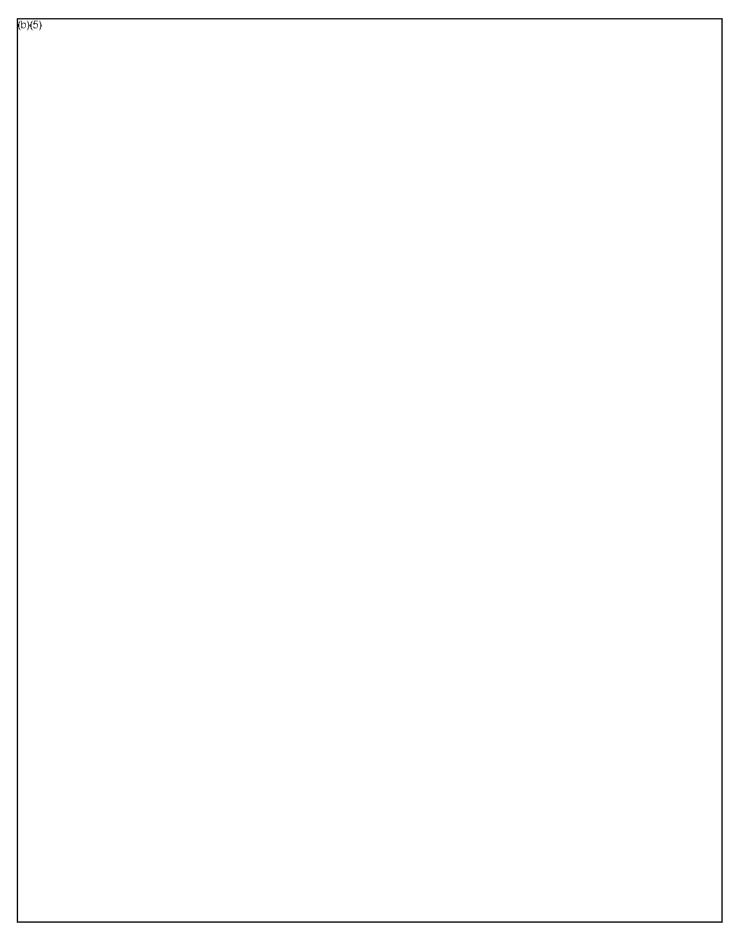
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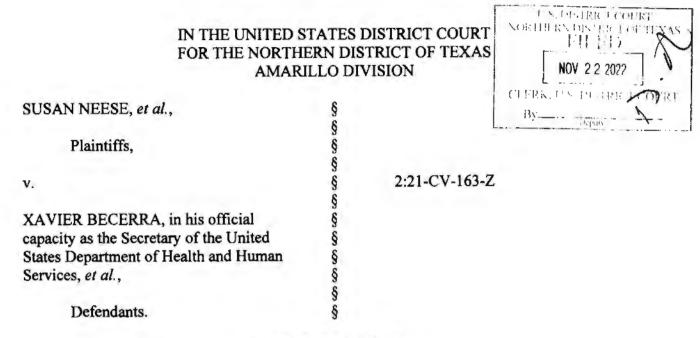
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UNITED STATES DISTRICT JUDGE

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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

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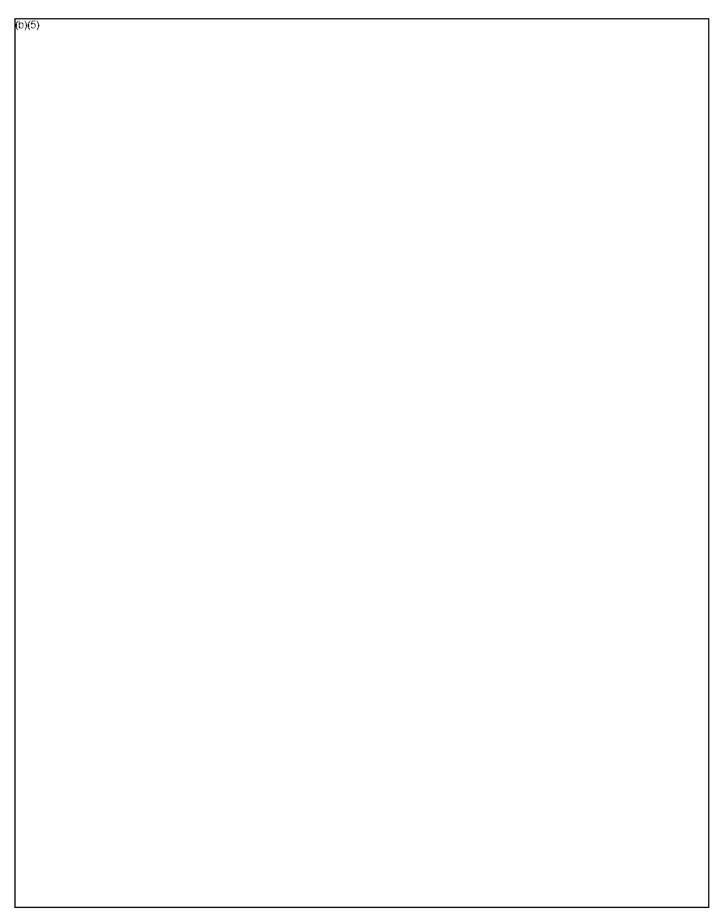
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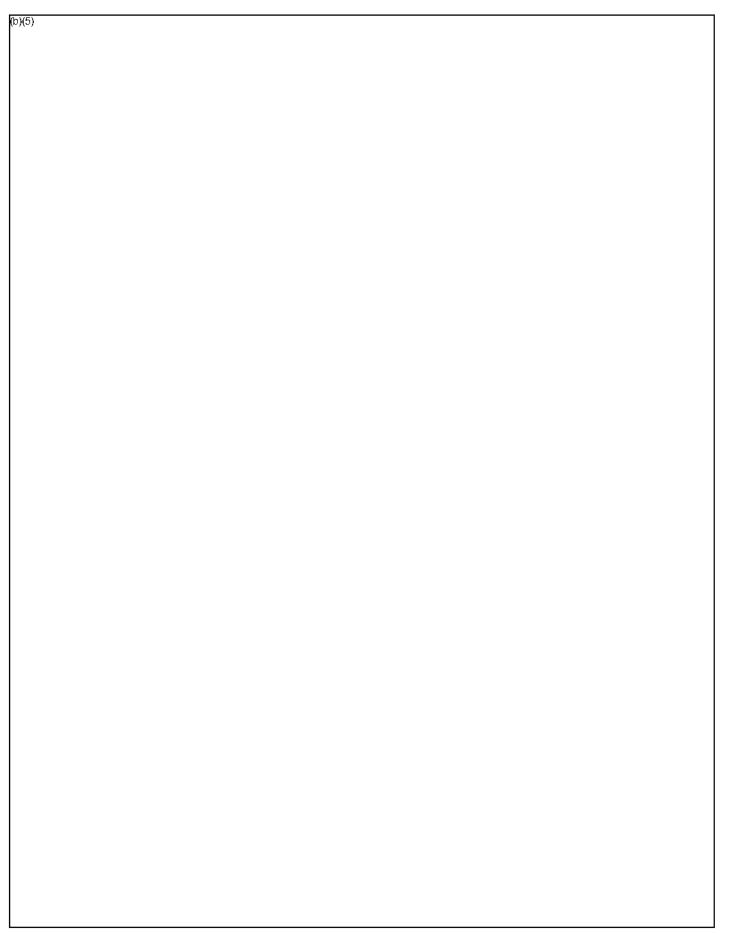
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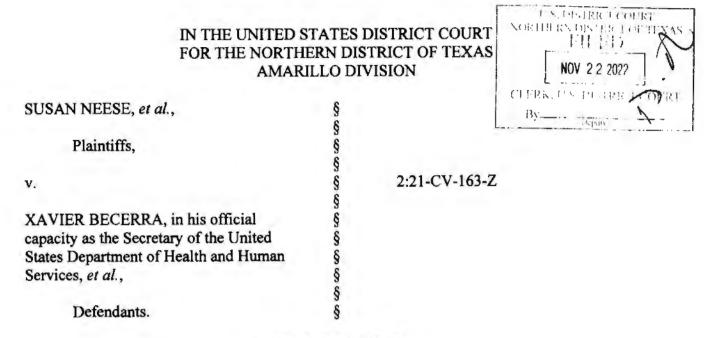
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U.S. Health and Human Services Office for Civil Rights

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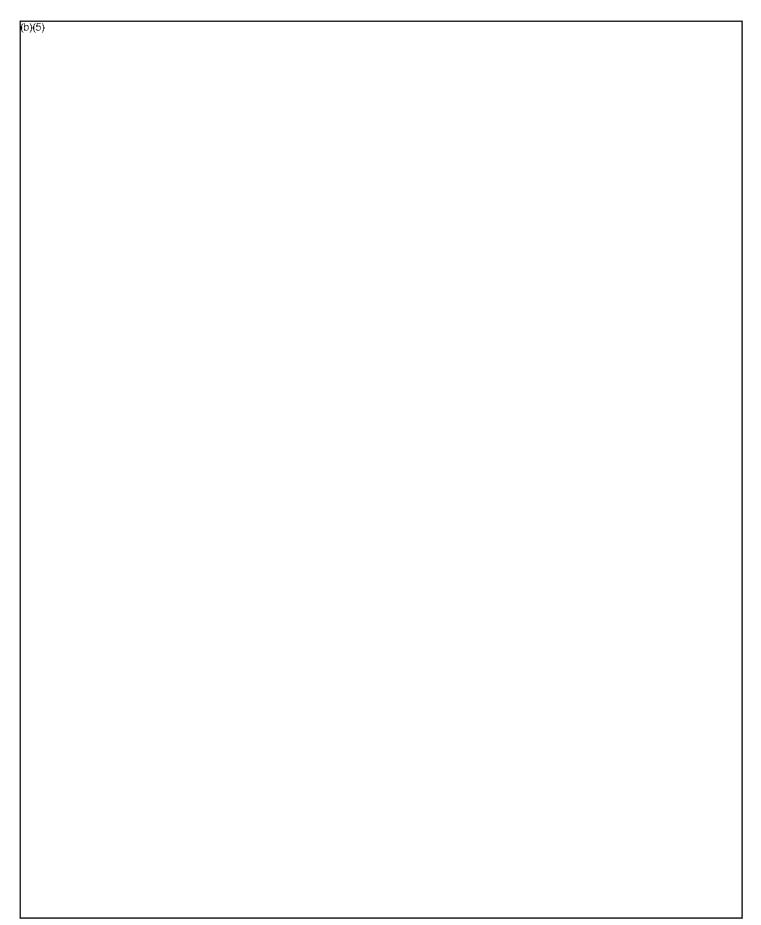
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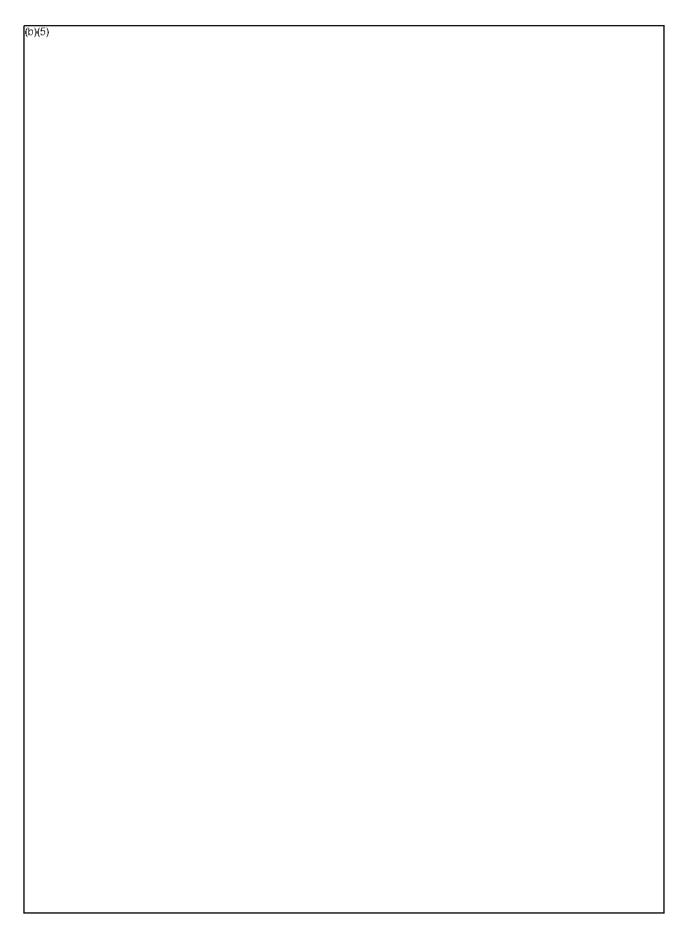
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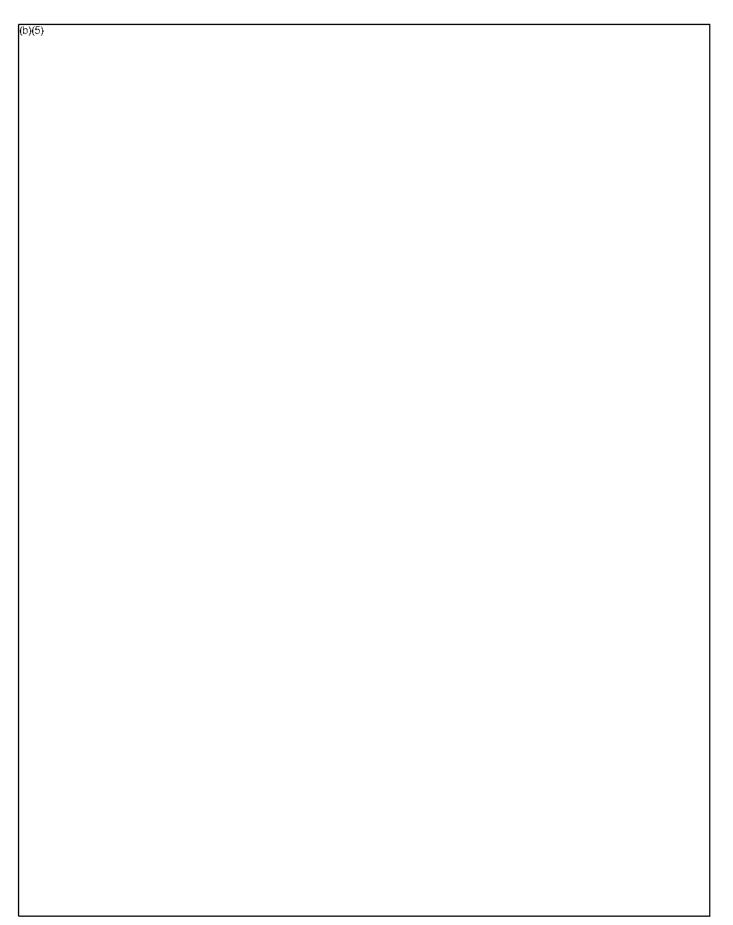


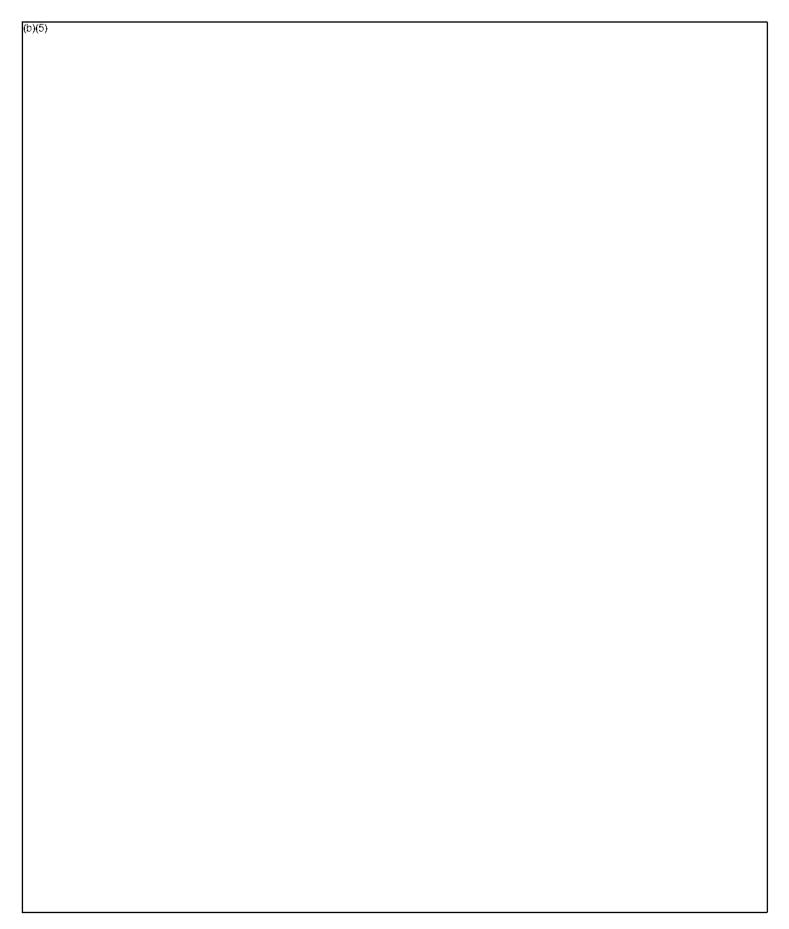
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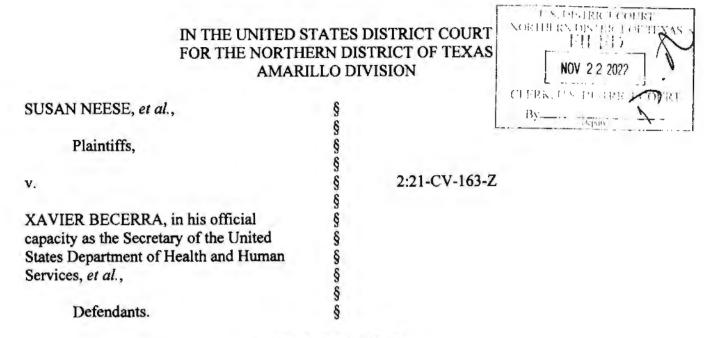
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OCR	Office for Civil Rights
PACE	Programs of All-Inclusive Care for the Elderly
QALY	Quality Adjusted Life Years
RFRA	Religious Freedom Restoration Act
SAD	Self-administered drug

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	

Introduction

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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.

- 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.
- 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.

November 27, 2022

MATTHEW J. KACSMARYK

UNITED STATES DISTRICT JUDGE

CARES Act Part 2 NOTICE OF PROPOSED RULEMAKING

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

Period: Calendar Year 2022

HHS Staff DIV

- Departmental Appeals Board (DAB)
- Office for Civil Rights (OCR)
- Office of Medicare Hearings and Appeals (OMHA)
- Office of Regional Health Operations (ORHO)

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