

# FAQ: ACA Section 1557

## What is ACA Section 1557?

Section 1557 of the Affordable Care Act is known as the “Health Care Rights Law.” It protects against discrimination in healthcare based on race, color, national origin (including language), sex, age, and disability.

## If ACA Section 1557 already protects against discrimination, why should we change it?

Many changes have occurred since Section 1557 was first implemented in 2016. Unfortunately, many protections were rolled back in 2020, such as language access protections, and sexual orientation and gender identity protections – thus making it harder for limited English proficient (LEP) and LGBTQI+ individuals to access healthcare.

## What are some of the changes to ACA Section 1557?

The US Dept. of Health and Human Services (HHS) is proposing a revised rule that will restore many of the protections that were present in the initial 2016 version of Section 1557, as well as clarifying language within the rule. Some of these changes include:

- how individuals with LEP and individuals with disabilities receive notices of nondiscrimination and rights to language services and auxiliary aids
- training relevant staff on policies and procedures for serving LEP individuals and individual with disabilities
- Clarifying that the definition of "sex" includes gender identity, sex stereotypes, sex characteristics, and pregnancy or related conditions including pregnancy termination
- Ensuring that Medicare Part B recipients are protected under Section 1557

## Why is ACA Section 1557 important to AA & NH/PI communities?

No one should be denied access to healthcare based on how they identify themselves. Section 1557 protects the diverse identities of AA & NH/PI in accessing healthcare. In particular, ensuring that LEP persons have equitable access to care, including knowing their rights to language services, is critical to AA & NH/PI communities considering the diversity of AA & NH/PI languages and that more than 30 percent of the AA & NH/PI population is LEP.

## What can I do?

Make your voice heard! Every time there are new rules or changes to an existing rule, the public has a chance to comment on the changes during the public comment period.

You can submit your comment by **October 3, 2022** at <https://www.regulations.gov>.

For more information on the notice of proposed rulemaking, visit the HHS website at: <https://www.hhs.gov/civil-rights/for-individuals/section-1557/index.html>.