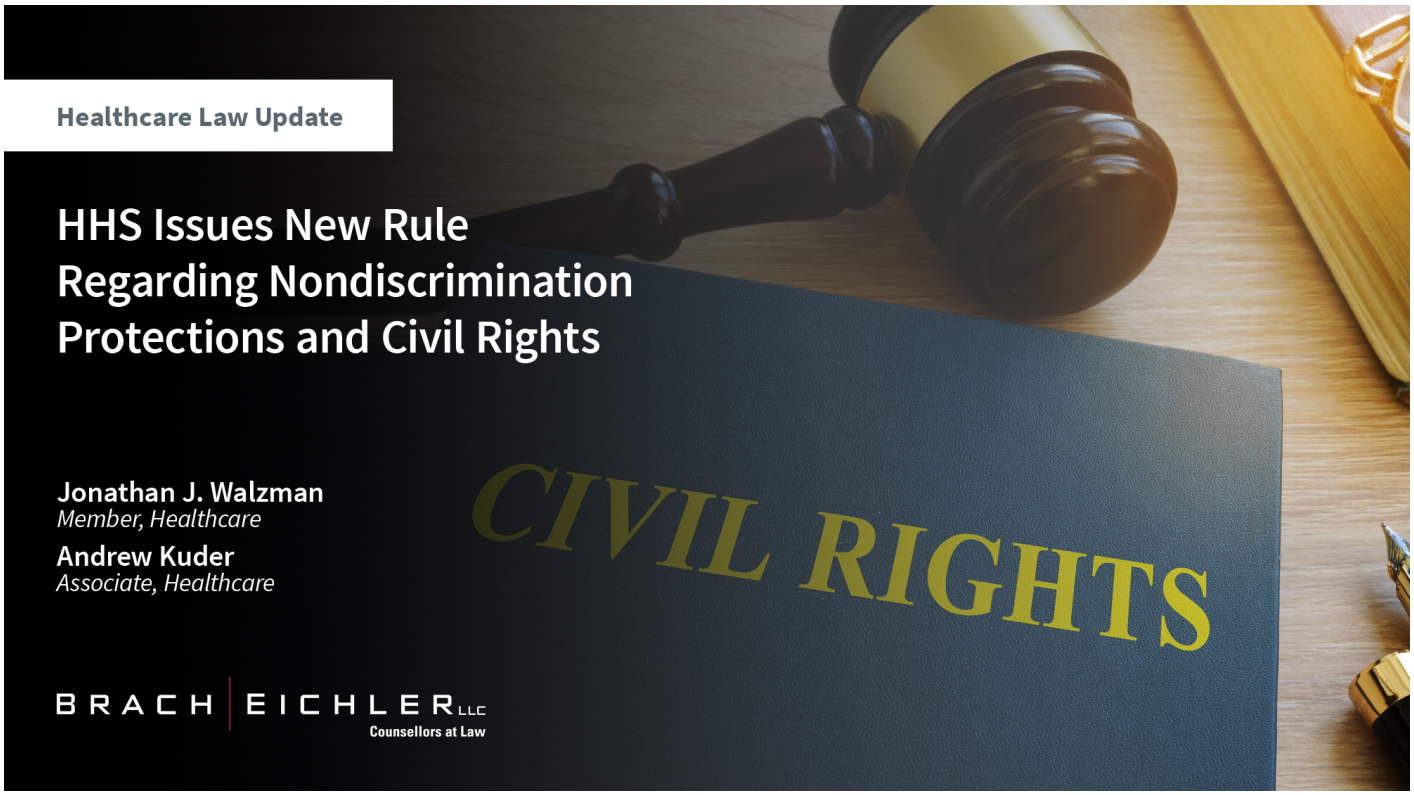
HHS Issues New Rule Regarding Nondiscrimination Protections and Civil Rights



5/31/2024

On May 6, 2024, the U.S. Department of Health and Human Services, Office for Civil Rights and the Centers for Medicare and Medicaid Services issued a final rule intended to strengthen nondiscrimination protections and advance civil rights in healthcare. The final rule was promulgated in part in response to the previous administration's actions to limit discrimination protections under Section 1557 of the Affordable Care Act. The rule is largely directed towards federal health agencies and health insurance companies participating in the federal and state exchanges, and will impact coverage for services rendered by providers who participate in those plans and providers that receive Medicare Part B funds.

The final rule clarifies that individuals may not be discriminated against on the basis of sex, which now formally includes discrimination on the basis of sexual orientation and gender identity. In addition, those covered by the rule, including providers, are required to notify patients that language assistance and related services are available free of charge. The required notice must be publicly posted and be written in English and in the 15 most common languages spoken by people with limited English proficiency in the state served. The final rule also provides that if a patient care decision support tool is utilized, such as an artificial intelligence product, the user of the tool must take steps to identify and mitigate any incidental discrimination that may result from using such a tool.

Click Here to read the entire May 2024 Healthcare Law Update now!

For more information, contact:

John D. Fanburg, Chair | 973.403.3107 | jfanburg@bracheichler.com
Jonathan J. Walzman | 973.403.3120 | jwalzman@bracheichler.com
Andrew Kuder | 973.403.3141 | akuder@bracheichler.com

Authors

The following attorneys contributed to this insight.



John D. Fanburg

Managing Member
Healthcare Law, Cannabis Industry

973.403.3107 · 973.618.5507 Fax

jfanburg@bracheichler.com



Jonathan J. Walzman

Member
Healthcare Law, Corporate Transactions & Financial Services

973.403.3120 · 973.618.5561 Fax

jwalzman@bracheichler.com