

Proposal would roll back LGBTQ protections. That's an awful idea.

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What's the news: The AMA is strongly criticizing a proposed Department of Health and Human Services rule that would do away with Affordable Care Act (ACA) protections for LGBTQ people, women, immigrants, minorities and other patients.

"This proposal marks the rare occasion in which a federal agency seeks to remove civil rights protections," AMA Executive Vice President and CEO James L. Madara, MD, wrote in a sharply worded letter to HHS Secretary Alex Azar. "It legitimizes unequal treatment of patients by not only providers, health care organizations, and insurers, but also by the government itself—and it will harm patients. Such policy should not be permitted by the U.S. government, let alone proposed by it."

Why it matters for patients and physicians: The proposal perverts the nondiscrimination provisions included in the ACA by drastically limiting nondiscrimination protections despite decades of case law recognizing these protections.

The rule concerns the ACA's section 1557, which was designed to help people experiencing barriers to care, including LGBTQ people, minorities, patients who speak limited English, and patients seeking reproductive health care.

The administration proposal "is contrary to the intent and the plain language of the law," Dr. Madara wrote. "It will negatively affect patients by drastically limiting the scope of health plans to which the nondiscrimination provisions apply, thereby eliminating coverage protections for certain individuals, such as transgender people, women, LGBTQ people, and individuals living with HIV."

The proposed rule also guts protections against discrimination based on gender identity and sex stereotypes. The new proposal comes on the heels of HHS final regulations on 20-plus federal provisions regarding whether individuals and health care institutions can refuse to provide services because of religious or moral objections. The AMA strongly objected to that and other discriminatory

policies, such as:

- | Limits on transgender people serving in the military.
- | Changing the Title X program to restrict which care options patients and physicians can discuss.

What's next: The comment period on the proposal has closed. HHS will consider the public's comments and decide how to proceed. Dr. Madara's letter advises that the department withdraw the proposed rule. Rather, he wrote, HHS "should redirect their efforts toward advancing health care access and equity for all. The AMA remains ready to assist with such efforts."