

Section 1557 of the Patient Protection and Affordable Care Act

Section 1557 is the nondiscrimination provision of the Affordable Care Act (ACA). The law prohibits discrimination on the basis of race, color, national origin, sex, age, or disability in certain health programs or activities. Section 1557 builds on long-standing and familiar Federal civil rights laws: Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975. Section 1557 extends nondiscrimination protections to individuals participating in:

- Any health program or activity any part of which received funding from HHS
- Any health program or activity that HHS itself administers
- Health Insurance Marketplaces and all plans offered by issuers that participate in those Marketplaces.

Section 1557 has been in effect since its enactment in 2010 and the HHS Office for Civil Rights has been enforcing the provision since it was enacted.

On December 31, 2016, the U.S. District Court for the Northern District of Texas issued an opinion in *Franciscan Alliance, Inc. et al v. Burwell*, enjoining the Section 1557 regulation's prohibitions against discrimination on the basis of gender identity and termination of pregnancy on a nationwide basis. Accordingly, HHS' Office for Civil Rights (HHS OCR) may not enforce these two provisions of the regulation implementing these same provisions, while the injunction remains in place. Consistent with the court's order, HHS OCR will continue to enforce important protections against discrimination on the basis of race, color, national origin, age, or disability, as well as other sex discrimination provisions that are not impacted by the court's order.

If you believe you have been discriminated against on one of the bases protected by Section 1557, [you may file a complaint](#) with OCR.

Issuance of the Final Rule

On May 13, 2016, the HHS Office for Civil Rights issued the final rule implementing of Section 1557. [Read the full text version published in the Federal Register.](#)

Read the Press Release

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Summary of the Final Rule

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Factsheets on Key Provisions

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- **Ensuring Meaningful Access for Individuals with Limited English Proficiency**
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- **[Coverage of Health Insurance in Marketplaces and Other Health Plans](#)**

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[Frequently Asked Questions on Final Rule](#)

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Translated Resources for Covered Entities

HHS Office for Civil Rights offers downloadable samples of translated materials for use by covered entities. [For translated materials, go here.](#)

Additional Materials for Covered Entities

HHS Office for Civil Rights included a sample grievance procedure in Appendix C to Part 92 of the Section 1557 Final Rule. [Click here for the individual file of the sample grievance procedure - PDF.](#)

Enforcement of Section 1557: Sex Discrimination Case Examples

The HHS Office for Civil Rights has been enforcing Section 1557 since it was enacted in 2010. [Read case examples that highlight OCR's enforcement results in complaints alleging sex discrimination.](#)

OCR Director's Memorandum to Federal Offices for Civil Rights

All Federal agencies have enforcement responsibility for programs they fund that fall under Section 1557 jurisdiction.

- [Read the July 2016 Memorandum. - PDF](#)

- [Read the November 2015 Memorandum. - PDF](#)

Background on the Section 1557 Notice of Proposal Rulemaking (NPRM)

OCR issued the Notice of Proposed Rulemaking for Section 1557 in the Federal Register on September 8, 2015 and invited public comment on the proposed rule through November 9, 2015.

[Information and materials issued for the NPRM.](#)

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