



FLORIDA HEALTH JUSTICE PROJECT, INC.

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The Honorable Alex M. Azar II
Secretary

U.S. Department of Health and Human Services
200 Independence Avenue SW
Washington, DC 20201

Mr. Roger Severino

Director

Office for Civil Rights

U.S. Department of Health and Human Services
200 Independence Ave. S.W.
Washington, DC 20201

August 13, 2019

Re: Nondiscrimination in Health and Health Education Programs and Activities (Section 1557 NPRM), RIN 0945-AA11, HHS-OCR-2019-0007 1

Dear Secretary Azar and Mr. Severino:

Thank you for the opportunity to comment on the notice of proposed rulemaking regarding Section 1557 of the Patient Protection and Affordable Care Act (ACA). The Florida Health Justice Project seeks to improve access to affordable healthcare for Floridians, with a focus on vulnerable low-income populations, many of whom would be affected by the proposed regulatory changes.

By virtue of Florida's demographics, our state stands to be profoundly impacted by barriers to healthcare access that have historically affected vulnerable populations. Florida has the third largest Medicaid population of the states,¹ the tenth highest percent of lesbian, gay, bisexual, and transgender (LGBT) residents,² and the third highest HIV infection rate in the country.³ Additionally, Florida's Limited English Proficiency (LEP) population ranks fourth largest in the country, with 2.1 million individuals.⁴

We are deeply concerned that the proposed rule change would potentially advance discriminatory treatment of these marginalized populations, in addition to negatively impacting women's reproductive healthcare access. Currently, Section 1557 provides essential protections to health care access. In contrast, the language of the proposed changes threatens access to health care for Florida's most vulnerable residents.



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For the above reasons, and for those stated in the comprehensive comments submitted by our colleagues at National Health Law Program, we support leaving the existing Section 1557 language intact, and we urge HHS not to finalize the proposed changes.

Thank you for your consideration of these comments. If you have questions or require additional information, please contact us.

Sincerely,

/S/ Miriam Harmatz
Miriam Harmatz, Esq.
Executive Director

/S/ Timothy C. Loftus
Timothy C. Loftus, M.D.
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3. Centers for Disease Control and Prevention. HIV Surveillance Report, 2017; vol. 29. <http://www.cdc.gov/hiv/library/reports/hiv-surveillance.html>. Published November 2018. Retrieved 17 June 2019.
4. Migration Policy Institute. (July 2015). The Limited English Proficient Population in the United States. Retrieved from <https://www.migrationpolicy.org/article/limited-english-proficient-population-united-states>. 20 June 2019.