

August 13, 2019

Submitted via www.regulations.gov

Secretary Alex Azar
Department of Health and Human Services, Office for Civil Rights
Attention: Section 1557 NPRM, RIN 0945-AA11
Hubert H. Humphrey Building, Room 509F
200 Independence Avenue SW
Washington, DC 20201

RE: Comments in Opposition to Section 1557 NPRM, RIN 0945-AA11, “Nondiscrimination in Health and Health Education Programs or Activities”

To Whom It May Concern:

On behalf of Vitalyst Health Foundation, I am writing to express our organization’s opposition to the proposed changes to Section 1557 of the Patient Protection and Affordable Care Act as published in the Federal Register on June 14, 2019.

The mission of Vitalyst Health Foundation is to connect, support, and inform efforts to improve the health of individuals and communities in Arizona. Since our inception in 1996, Vitalyst has invested nearly \$125 million throughout Arizona, in areas ranging from statewide healthcare policy to local community gardens. The strategies and organizations we invest in contribute to our mission and to the overall wellbeing of Arizonans, regardless of one’s background, race, ethnicity, religion, sex, gender or identity. We are committed to serving all Arizonans in an inclusive, non-discriminatory manner.

After thorough review, we are concerned that the proposed changes would threaten the health and well-being of lesbian, gay, bisexual, and transgender people, as well as immigrants, women, and ultimately all Arizonans. From a legal standpoint, the proposed changes to Section 1557 contradict the rulings of several federal courts, which specify that discrimination based on gender identity and sexual orientation is unlawful. Moreover, the proposed changes would undermine Vitalyst’s mission and the work of many organizations dedicated to improving the health and prosperity of people living in Arizona. We must not overlook the fact that nearly 300,000 LGBTQ+ Arizonans, including well over 30,000 transgender individuals, are woven into the social, cultural and economic fabric of our state. If Section 1557 enacts the proposed changes, the negative consequences will spread throughout these communities as well as the greater Arizona public. When rules and regulations cause any population to avoid treatment, the health of the entire of the population is placed at risk.

Without the protections currently provided in Section 1557, the previously mentioned 300,000 LGBTQ+ Arizonans could be stripped of critical health benefits and deterred from seeking access to services due to fears of discrimination. These negative consequences are backed by research, including the 2015 U.S. Transgender Survey, which reported that 23% of transgender individuals avoided seeking healthcare for fear of discrimination. Studies also show that LGBTQ+ populations already suffer from health disparities. For example, 40% of LGBTQ+ youth are currently experiencing homelessness. Removing protections for

these populations would further fragment access to services across Arizona and exacerbate the existing health disparities that plague LGBTQ+ communities.

The changes to Section 1557 would also negatively affect immigrants and their overall wellbeing. The modifications include removing the requirement to inform the general public about alternative language access programs. Removing this requirement unnecessarily complicates the process by which people with limited English proficiency or disabilities access medical care. This would affect more than one million Arizonans who primarily speak Spanish at home. In addition, the proposed changes eliminate protections against discrimination based on immigration status, potentially deterring foreign-born citizens (28% of whom are uninsured) from seeking healthcare services. This is especially pertinent in a border state like Arizona, where our immigrant populations already experience significant disparities in health outcomes. In short, these proposed changes directly contrast the value of equitable treatment that Vitalyst upholds so strongly.

Vitalyst Health Foundation believes the proposed change to Section 1557 of the Patient Protection and Affordable Care is not only a step backwards but also contradicts the original intent of the law to expand access to healthcare and insurance. We hope you will reconsider the proposed changes to Section 1557 in the service of securing a healthier future for all Arizonans. We thank you for your time.

Sincerely,

Suzanne Pfister
President and CEO
Vitalyst Health Foundation