



### **Patient Protection and Affordable Care Act Section 1557—Nondiscrimination Provision**

Section 1557 of the Patient Protection and Affordable Care Act (ACA) prohibits discrimination based on race, color, national origin, sex, age, or disability. On May 18, 2016, the Department of Health and Human Services (HHS) published a final rule to implement Affordable Care Act (ACA) Section 1557.

#### **Requirements**

Section 1557 extends nondiscrimination protections to individuals participating in:

- Any health program or activity that receives funding from the HHS (such as hospitals and providers who participate in the Medicare or Medicaid program)
- Any health program or activity that is administered by the HHS
- Health insurance marketplaces and all plans offered by issuers that participate in the marketplaces

#### **Key Provisions**

- Protection against discrimination based on sex which includes discrimination based on gender expression and “transgendered status” and encompasses individuals with non-binary gender identities
- Protection against discrimination based on national origin
- Protection against discrimination based on disability
- Meaningful access for individuals with limited English proficiency (LEP)

#### **Compliance**

- Covered entities must post a notice regarding their non-discrimination policies in English and include taglines in the top 15 languages spoken by individuals with LEP within the state by October 16, 2016.
- For small-sized communications (such as postcard), covered entities must post a nondiscrimination statement and taglines in at least the top two non-English languages spoken by individuals with LEP in the state.
- Covered entities with 15 or more employees must adopt a grievance procedure and appoint a compliance coordinator.
- Covered entities must take remedial action as required by the enforcement agency, Office for Civil Rights HHS, if they are found to have discriminated on any basis prohibited by Section 1557.

#### **Top 15 Languages Spoken by Individuals with LEP in PA**

1. Spanish
2. Chinese
3. Vietnamese
4. Russian
5. Pennsylvania Dutch
6. Korean
7. Italian
8. Arabic
9. French
10. German
11. Gujarati
12. Polish
13. French Creole (Haitian Creole)
14. Mon-Khmer, Cambodian
15. Portuguese

#### **Resources**

- [Summary of Final Rule Implementing Section 1557](#)
- [Frequently Asked Questions](#)
- [List of Top 15 Languages in Pennsylvania](#)
- [Translated Resources](#) Notice of non-discrimination, statement of nondiscrimination and taglines
- [Training Materials](#)
- [Sample Grievance Policy](#)

#### **Fact Sheets on Key Provisions**

- [Protecting Individuals Against Sex Discrimination](#)
- [Ensuring Meaningful Access for Individuals with Limited English Proficiency](#)
- [Ensuring Effective Communication with and Accessibility for Individuals with Disabilities](#)