

# Section 1557:

## Protecting the Health of Trans Youth

### WHAT IS SECTION 1557?

Also known as the Health Care Rights Law, Section 1557 is a part of the Affordable Care Act **that protects people, including LGBTQ youth, from discrimination.** 1557 applies to any health program or activity that participates in the Medicare and Medicaid programs, health insurance marketplaces, or programs administered by the Department of Health and Human Services (HHS).

### WHO DOES IT AFFECT?

Section 1557 prohibits discrimination on the basis of race, color, national origin, sex, age, and disability. Most significantly, Section 1557 explicitly protects transgender, gender non-binary, and gender non-conforming individuals, including young people, from discrimination in healthcare or health coverage. In May 2016, the Obama Administration noted that ‘sex’ should be interpreted to protect people from discrimination on the basis of pregnancy, **gender identity**, and sex stereotyping. It requires health programs and activities that receive federal government funding to treat individuals consistent with their gender identity. It also requires that all funded programs be physically and technologically accessible and that steps are taken to provide access to individuals with limited English proficiency.

### WHY IS IT IMPORTANT?

- Section 1557 is important to the ACA’s goal of expanding health care and reducing health disparities. The law builds upon existing civil rights law to explicitly prohibit discrimination based on race, sex, pregnancy, and gender identity among other factors.
- 21% of transgender patients have experienced harsh or abusive language from a medical provider.<sup>1</sup>
- 18% of LGBTQ individuals believe that if they were refused care at a hospital, it

would be “very difficult” or “not possible” to find an alternative provider. Outside of major metropolitan areas, that number spikes to 41 percent.<sup>2, 3</sup>

- 29% of transgender individuals said that a doctor or other health care provider refused to see them because of their actual or perceived gender identity.<sup>4</sup>

### THREATS TO SECTION 1557

Through previous actions, the current administration has made it clear that it does not value the health, wellness, or rights of marginalized communities, especially LGBTQ young people. HHS has signaled that they intend to make dangerous changes to Section 1557 that would allow healthcare providers and institutions to discriminate against LGBTQ communities, especially those who identify as transgender, gender non-binary, and gender non-conforming.

### WHAT HAPPENS NOW?

For now, Section 1557 is current practice, but the administration’s proposed changes will dismantle its protections against discrimination. You can help prevent that from happening.

### FIGHT BACK TODAY:

- Call your federal representatives and senators and let them know that Section 1557 must remain in place: Find your representatives
- Discuss with your your friends and family why this is important and encourage them to take action as well.
- Submit a comment to the Administration to let them know why they should not change this law:

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# POLICY BRIEF

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