



National Health Council

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National Health Council Statement on Proposed ACA Non-Discrimination Rule

Washington, DC (September 4, 2015) – The National Health Council applauds the proposed rule for “harmonizing existing, well-established federal civil rights laws” as they apply to both the federally-facilitated marketplace and the State-based exchanges. However, the NHC urges the federal government to add more clarity to the rule before it is finalized. Today, NHC Chief Executive Officer Marc Boutin issued the following statement:

“One of the overarching goals of the Patient Protection and Affordable Care Act is to protect patients by eliminating discrimination in the health care system. Since the launch of the health insurance exchanges, some state have enacted measures to limit opportunities for discrimination in the exchanges and to ensure patients have adequate access to services and providers. However, the patient community has been calling on the federal government to step up its effort to mitigate potential discrimination, which will make a big difference for people with chronic diseases and disabilities across the country.

“We urge the Department of Health and Human Services to address two additional issues in the final rule: First, there is a need to root out discrimination of plan benefits by condition so that people with complex medical needs aren’t denied access to care. We have already heard of patient communities facing unreasonable costs because of drug tiering and other practices that are intended to shift costs to people with chronic conditions or discourage them from enrolling in particular health insurance plans. Second, to ensure strong enforcement of this rule, we urge the federal government to be more proactive in reviewing health plans prior to accepting them into the marketplace and create standards for states to conduct their own reviews, rather than relying on patients to file grievances after they face discriminatory practices.

“On behalf of the patient advocacy community, the National Health Council applauds the HHS for its effort to strengthen the non-discrimination policy, and we look forward to working with the Department to ensure the final language truly meets the needs of people with chronic conditions.”

Additional Information:

- Earlier this year, the NHC released a series of state-by-state progress reports that analyzed how well the federally-facilitated and state-based exchanges were addressing issues of non-discrimination, plan transparency, oversight, uniformity of plan information, and continuity of care. A summary of the findings and individual reports are available at <http://www.nationalhealthcouncil.org/state-progress-reports>.
- A copy of the proposed rule is available at <https://s3.amazonaws.com/public-inspection.federalregister.gov/2015-22043.pdf>.

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