

Health Information Compliance Alert

Enforcement News: Feds Support Nondiscrimination in Healthcare With Waiver Revocation

Quality and equity are the cornerstones of American healthcare, and the **Biden** Administration factored both into its decision to rescind a slew of waivers that discriminate against patients seeking healthcare.

Details: On Nov. 18, the Department of Health and Human Services (HHS), in coordination with the HHS Office for Civil Rights (OCR) and the Administration for Children and Families (ACF) announced that it would revoke "overly broad" waivers instituted under the **Trump** Administration that allowed state and child welfare agency employees to use religious exemptions to avoid helping certain patients. "HHS reaffirms its important commitment to core American values: HHS will not condone the blanket use of religious exemptions against any person or blank checks to allow discrimination against any persons, importantly including LGBTQ+ persons in taxpayer-funded programs," the agency indicates in a release on the policy change.



Originally, in the prior Administration, the states of Michigan, South Carolina, and Texas received letters from OCR and ACF, "waiving nondiscrimination requirements based on religious objections," HHS says. But, civil rights protections were not enforced, instead "discrimination based on religion, sexual orientation, and gender identity" ensued, suggests the release.

Under the change, HHS plans to return to a case-by-case evaluation of religious exemptions versus a blanket waiver for all requests to ensure that the civil rights of the patient and the religious rights of the requestor are equally protected.

"With the large number of discrimination claims before us, we owe it to all who come forward to act, whether to review, investigate or take appropriate measures to protect their rights. At HHS, we treat any violation of civil rights or religious freedoms seriously," says HHS Secretary **Xavier Becerra** in the release.

View the release, which includes additional resource material on civil and religious rights, at www.hhs.gov/about/news/2021/11/18/hhs-takes-action-to-prevent-discrimination-and-strengthen-civil-rights.html.