AAPCHO Celebrates Biden Administration’s Health Care Nondiscrimination Regulations

New 1557 Rule Ensures Robust Language Access Protections for Individuals with Limited English Proficiency

WASHINGTON—The Association of Asian Pacific Community Health Organizations (AAPCHO) today released the following statement regarding the Biden administration’s finalizing of new regulations implementing Section 1557 of the Affordable Care Act. Often referred to as the Health Care Rights Law, Section 1557 prohibits discrimination on the basis of race, color, national origin, sex, age, and disability and applies to all health programs and activities that receive federal funding directly or indirectly from the U.S. Department of Health and Human Services (HHS).

The final rule includes important language access protections to provide individuals with limited English proficiency with in-language information and services free of charge. Among the new provisions, the rule requires all covered entities and State exchanges to offer a qualified interpreter and utilize the services of a qualified translator in its health programs and activities. The rule also requires that critical materials translated by machine translation be reviewed by a qualified human translator, and it generally prohibits covered entities and States exchanges from requiring individuals to provide their own interpreter, rely on a non-qualified adult as an interpreter, or rely on a minor child to interpret or facilitate communication.

AAPCHO has long championed full implementation and enforcement of Section 1557, including our support for robust language access protections. The final rule will be published in the Federal Register on May 6 and will go into effect 60 days from publication.

“Section 1557 and the protections it ensures are the foundation upon which individuals can access health care without discrimination” said Adam Carbullido, AAPCHO’s director of policy and advocacy. “AAPCHO applauds the Biden administration for strengthening these safeguards, especially for people of color, individuals with limited English proficiency, LGBTQ+ person, people with disabilities and chorionic conditions, and people needing reproductive health services. This final rule is a significant step for individuals to get the care they need. We look forward to HHS vigorously enforcing it and are confident the rule will lead to positive outcomes for Asian American, Native Hawaiian, and Pacific Islander, and all communities.”

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Thu Quach, PhD, AAPCHO board president and president of Asian Health Services, a federally qualified health center in Alameda County, California, said, “Every person should be confident that when they see a medical provider or visit a health clinic, they will receive quality care without bias or discrimination. The protections codified by this rule—especially for those who may not speak English well—are vital to helping patients get the care they need. It’s imperative that this rule is implemented and enforced at all levels, including by federal, state, and local governments, and all health care providers and insurers.”

About AAPCHO
AAPCHO is a national association of community health organizations dedicated to promoting advocacy, collaboration and leadership that improves the health status and access of Asian Americans, Native Hawaiians and Pacific Islanders in the United States. For more information on AAPCHO, please visit www.aapcho.org.

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