



August 8, 2022

Dear Tribal Leader:

The U.S. Department of Health and Human Services (HHS) Office for Civil Rights (OCR) issued a Notice of Proposed Rulemaking (NPRM) on August 4, 2022. This proposed rule revises implementing regulations for Section 1557 of the Patient Protection and Affordable Care Act (Section 1557) related to Nondiscrimination in Health Programs and Activities, 42 U.S.C. § 18116. The NPRM proposes robust civil rights protections on the basis of race, color, national origin, sex, age, or disability, and the Department invites you to participate in a Tribal Consultation to share your views and civil rights priorities.

This proposed regulation applies nondiscrimination standards to all health programs and activities receiving federal financial assistance from the Department; State and Federally Facilitated Exchanges; and all HHS health programs and activities, including the Indian Health Service. The proposed rule addresses language access for limited English proficient individuals and effective communication for individuals with disabilities, including requirements to provide notice of language assistance services and auxiliary aids and services. The proposed rule would also require covered entities to have Section 1557 policies and staff training.

HHS will hold a Virtual Tribal Consultation on the proposed rule on August 31, 2022, from 2:00 p.m. to 4:00 p.m., EDT. This Tribal Consultation will provide an opportunity for HHS to inform Tribes about the proposed regulatory changes to the Section 1557 implementing regulation at 45 C.F.R. Part 92. Additionally, this Tribal Consultation will also provide a forum for Tribes to collectively share their views and priorities with HHS officials about the federal requirements for nondiscrimination in health programs and activities.

HHS understands the importance of hearing from Tribes on national and regional issues, as well as Tribe-specific concerns. You can register for the Tribal Consultation on Section 1557 Rulemaking at the following link:

[Register Here.](#)

The proposed rule can be accessed by searching for RIN number 0945-AA17 at www.federalregister.gov. If you need a paper copy of the proposed rule sent to you, please contact Dylan de Kervor at the contact information provided below.

You may submit comments on this proposed regulation, identified by Docket ID number HHS-OS-2022-0012 using any of the following methods:

- Federal Rulemaking Portal: www.regulations.gov. Follow the instructions for submitting comments.
- Mail or hand delivery: U.S. Department of Health and Human Services, Office for Civil Rights, Attention: 1557 NPRM (RIN 0945-AA17), Hubert H. Humphrey Building, Room 509F, 200 Independence Avenue SW., Washington, DC 20201.



Comments are due on or before October 3, 2022. Please note that your comments will be made public.

If you have any questions about submitting comments, please contact Dylan de Kervor at (202) 240-3110 or (800) 537-7697 (TDD), or via email at 1557@hhs.gov.

Thank you for your interest in Nondiscrimination in Health Programs and Activities and for your continued partnership. Please contact Dylan de Kervor at (202) 240-3110 or (800) 537-7697 (TDD), or via email at 1557@hhs.gov with any questions about the NPRM and Devin Delrow, Associate Director of Tribal Affairs, at (202) 868-0013 or at consultation@hhs.gov with any questions about the Tribal Consultation.

Sincerely,

Melanie Fontes Rainer

Melanie Fontes Rainer
Acting Director
Office for Civil Rights