

Health Equity and ACA Section 1557: The Future of Nondiscrimination in Healthcare

Webinar
02.10.2022

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2:00 p.m. - 3:00 p.m. ET
1:00 p.m. - 2:00 p.m. CT
11:00 a.m. - 12:00 p.m. PT

Complimentary Program via Webinar

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The Biden Administration is focused on improving access and equity in healthcare. ACA Section 1557's nondiscrimination requirements, which apply to Medicare, Medicaid, and Exchange health plans and providers, are powerful tools to address equity and access. The Administration is poised to issue a new rulemaking interpreting Section 1557 this spring.

Late last year, two Supreme Court cases raised additional issues about the types of claims and remedies available to enforce Section 1557.

- *CVS Pharmacy, Inc. v. Doe* posed the question whether disparate impact claims are cognizable for discrimination on the basis of disability but the parties withdrew the case days before oral argument. Amici noted that potential disparate impact claims may call into question how health plans apply utilization management, benefit design, and network design.
- *The Cummings v. Premier Rehab Keller* case asked whether emotional distress damages are available under Section 1557 for discrimination claims.

This webinar will be of particular interest to in-house counsel and compliance professionals because it will explain the current state of Section 1557 requirements, where the Administration and Court may take it, litigation risk for health plans and providers, how to handle government investigations, as well as strategies for litigation should you be faced with a Section 1557 claim.

Xavier Baker is a partner Corporate Group's Healthcare Industry Team who advises health plans about 1557 compliance and has represented them in response to HHS OCR and state insurance regulator investigations of discrimination complaints.

Denise Giraudo is a partner in our Labor & Employment Group who routinely advises and defends providers in Section 1557 claims.

Presented By

- **Xavier Baker**, *Partner*, Sheppard Mullin
- **Denise Giraudo**, *Partner*, Sheppard Mullin

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Questions? Please contact Maricela Alfonso via email.

Attorneys

Denise E. Giraudo

Industries

Healthcare