

## NHHF applauds the CHC Chair Barragán Statement on President Biden's Final H2-A Rule for Temporary Farmworkers – April 26

NHHF applauds the Biden and Harris Administration, Acting Secretary Julie Su, and the U.S. Department of Labor for its President Biden's Final H-2A Rule aimed at bolstering protections for farm workers within the H-2A program. This initiative underscores a commitment to safeguarding the rights and well-being of agricultural workers, who are integral to our food supply and communities. The rule, including enhanced self-advocacy rights, transparency in labor recruitment, and clarification on termination policies, mark significant strides in fortifying worker protections and preventing abuses. By prioritizing worker safety, fair treatment, and program integrity, this rule aligns with our values of equity and justice in the workforce.

## NHHF applauds the HHS New Rule to Strengthen Nondiscrimination Protections and Advance Civil Rights in Health Care (ACA Section 1557) – April 26

Today, the U.S. Department of Health and Human Services (HHS) Office for Civil Rights (OCR) and the Centers for Medicare & Medicaid Services (CMS) issued a final rule under Section 1557 of the Affordable Care Act (ACA) advancing protections against discrimination in health care. By taking bold action to strengthen protections against discrimination on the basis of race, color, national origin, sex, age, and disability, this rule reduces language access barriers, expands physical and digital accessibility, tackles bias in health technology, and much more.

The rule will restore protections gutted by the prior administration and help increase meaningful access to health care for communities across the country. The 1557 final rule draws on extensive stakeholder engagement, review of over 85,000 comments from the public, the Department's enforcement experience, and developments in civil rights law. Among other things, the rule:

- Holds HHS' health programs and activities to the same nondiscrimination standards as recipients of Federal financial assistance.
- For the first time, the Department will consider Medicare Part B payments as a form of Federal financial assistance for purposes of triggering civil rights laws enforced by the Department, ensuring that health care providers and suppliers receiving Part B funds are prohibited from discriminating on the basis of race, color, national origin, age, sex and disability.
- Requires covered health care providers, insurers, grantees, and others, to proactively let people know that language assistance services are available at no cost to patients.
- Requires covered health care providers, insurers, grantees, and others to let people know that accessibility services are available to patients at no cost.
- Clarifies that covered health programs and activities offered via telehealth must also be accessible to individuals with limited English proficiency, and individuals with disabilities.
- Protects against discrimination by codifying that Section 1557's prohibition against discrimination based on sex includes LGBTQI+ patients.
- Respects federal protections for religious freedom and conscience and makes clear that recipients may simply rely on those protections or seek assurance of them from HHS.
- Respects the clinical judgement of health care providers.
- Protects patients from discriminatory health insurance benefit designs made by insurers.
- Clarifies the application of Section 1557 nondiscrimination requirements to health insurance plans.

Given the increasing use of artificial intelligence (AI) in health programs and activities, the rule clarifies that nondiscrimination in health programs and activities continues to apply to the use of AI, clinical algorithms, predictive analytics, and other tools. This clarification serves as one of the key pillars of HHS' response to the President's Executive Order on Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence. Specifically, the rule:

- Applies the nondiscrimination principles under Section 1557 to the use of patient care decision support tools in clinical care.
- Requires those covered by the rule to take steps to identify and mitigate discrimination when they use AI and other forms of decision support tools for care.

## NHHF supported Senator Sanders bill – Reduce Diabetes in Children Act

### What this Bill Would Do:

- **Ban Junk Food Advertising to Children:** Companies may not target children with junk food and beverage advertisements.
- **Front-of-Package Warning Labels:** Manufacturers must prominently display a health and nutrient warning on packaged foods and beverages to warn consumers of risks associated with junk food and beverage consumption.
- **Directs the NIH to Investigate the Dangers Posed by Ultra-processed Foods:** The NIH will receive additional funding for research on the impact of consuming ultra-processed foods and additives the food industry floods our food supply with.
- **Nutrition and Physical Activity Public Education Program:** The CDC will develop a national public campaign to educate children and their caregivers on the health risks of consuming ultra-processed foods and supporting a healthy lifestyle.

NHHF supported Congresswoman Yadira Caraveo's Latino Child Mental Health Empowerment Act and Strengthening our Mental Health Workforce Act —working with her staff to review and provide input to the critical need for mental health services for our youth which were both to be introduced in May.