



Language Removals Pertaining to Sex Discrimination from HHS's Office for Civil Rights Webpages about Section 1557 of the Affordable Care Act

Content Change Report
7/17/18

This report is accompanied by a blog post, providing context for the changes detailed here:

[HHS removes sex discrimination prohibition language from civil rights office website](#)

Sunlight Foundation's Web Integrity Project
webintegrity@sunlightfoundation.com

Report writer: [Rachel Bergman](#)

Comprehensive reviewer: [Aaron Lemelin](#)

Content reviewer: [Toly Rinberg](#)

[See WIP's Report Production Protocol for details of our review process](#)

Classification of Web content alterations and changes in access to Web resources:

Classification	Changed in this report?
1. Altering or removing text and non-text content	Yes
2. Altering or removing links	Yes
3. Moving an entire webpage or collection of webpages or establishing redirects	
4. Altering or removing an entire pertinent section of a webpage or collection of webpages	Yes
5. Removing an entire webpage or document	Yes
6. Overhauling or removing an entire website	
7. Altering or removing search engines and open data platforms	
8. Altering, removing, or deleting datasets	

The Sunlight Foundation's Web Integrity Project does not intend to assess any government agency's intentions in presenting the changes to webpages or other Web content that appear in this report.

Acknowledgement: WIP would like to acknowledge the [National Women's Law Center](#) for first identifying the changes detailed in this report. NWLC filed Freedom of Information Act (FOIA) requests in [March 2017](#) and [August 2017](#) about many of the documented changes.

Language Removals Pertaining to Sex Discrimination from HHS's Office for Civil Rights Webpages about Section 1557 of the Affordable Care Act

Overview

Between March and August 2017, the U.S. Department of Health and Human Services' (HHS) Office for Civil Rights (OCR) removed language relating to sex discrimination and prohibitions on sex discrimination on several webpages about Section 1557 of the Affordable Care Act (ACA). Mentions of "sex stereotyping" and information about sex discrimination on the basis of gender identity and termination of pregnancy were removed. Information about what Section 1557 requires with regards to health services and insurance for transgender individuals, as well as information about gender-coding, was also removed. A page with links to training materials for Section 1557 was removed, with no replacement content restored to date. These changes occurred following the December 2016 issuance of a [nationwide injunction](#) that prohibits HHS's OCR from enforcing Section 1557 provisions relating to gender identity and termination of pregnancy. See WIP's [blog post](#) accompanying this report for an analysis of why the changes detailed in this report are not commensurate with the 2016 injunction.

Background

Agency details: According to its "[About Us](#)" webpage, HHS's Office for Civil Rights (OCR), "enforces federal civil rights laws, conscience and religious freedom laws, the Health Insurance Portability and Accountability Act (HIPAA) Privacy, Security, and Breach Notification Rules, and the Patient Safety Act and Rule, which together protect your fundamental rights of nondiscrimination, conscience, religious freedom, and health information privacy." Prior to [January 18, 2018](#), OCR did not have a Conscience and Religious Freedom Division (see [previous version](#) of the "About Us" page prior to this date).

Communications about changes: The office has not proactively communicated about or explained the changes described within this report.

Known archives: No known archives for the "hhs.gov/civil-rights" subdomain have been identified. HHS.gov links to [archives of specific HHS.gov Web content](#) in the footer of webpages throughout the domain.

Description of Most Notable Changes

1. Mentions, examples, and descriptions of "sex stereotyping" were removed from webpages about Section 1557 on HHS's OCR website.
 - a. On the "Section 1557: Frequently Asked Questions" webpage, "Does Section 1557 prohibit harassment based on sex, including on the basis of sex stereotyping?" was removed from the list of questions, along with its answer ([Screenshot 1.4, Webpage 1](#)).
 - b. Text was removed stating that "harassment based on sex and allegations related to sex stereotyping that do not involve gender identity claims" is one of the "areas

- of sex discrimination that HHS OCR may continue to enforce” ([Screenshot 1.1, Webpage 1](#)). A case example of OCR enforcement in complaints alleging “sex stereotyping” was removed ([Additional Webpage 3](#)).
- c. “Sex stereotyping” was removed from lists of what is prohibited as a form of sex discrimination under the Section 1557 final rule ([Screenshot 1.3, Webpage 1; Webpage 4, Additional Webpages](#))
2. Language about the fact that sex discrimination includes discrimination on the basis of “gender identity” was removed from webpages about Section 1557 on HHS’s OCR website ([Screenshot 1.3, Webpage 1; Additional Webpage 2](#))
 - a. For example, the sentence, “Under the final rule, sex discrimination includes, but is not limited to, discrimination on the basis of pregnancy,” previously also listed “gender identity and sex stereotyping” ([Screenshot 1.3, Webpage 1](#)).
 3. Information about what Section 1557 requires with regards to health services and insurance for transgender individuals, as well as information about gender-coding, was removed.
 - a. Removed the question “What does Section 1557 require with regard to general medical care for transgender individuals?” and corresponding answer from the “Section 1557: Frequently Asked Questions” webpage ([Webpage 1](#)).
 - b. The sentence, “Categorical coverage exclusions or limitations for all health care services related to gender transition are discriminatory,” was removed from the FAQ page ([Webpage 1](#)) and the “Protecting Individuals Against Sex Discrimination” page ([Additional Webpage 2](#))
 4. Language was added explaining that based on a nationwide injunction, OCR cannot enforce prohibitions against discrimination on the basis of “gender identity and termination of pregnancy on a nationwide basis” ([Webpage 1](#)).
 5. The “[Training Materials for Section 1557](#)” page at the URL <https://www.hhs.gov/civil-rights/for-individuals/section-1557/trainingmaterials/index.html> was removed from HHS’s OCR website ([Webpage 2](#)).
 - a. The page contained links to a 27-page “Presenter’s Guide” and a 26-page slide deck – which are both still live – used to train health professionals about Section 1557’s background, the provision’s nondiscrimination requirements, and federal enforcement of the provision.
 - b. A link for this page was removed from the “Section 1557 of the Patient Protection and Affordable Care Act” page ([Additional Webpage 1](#)).

Table of Contents

Report Section	Webpage Title	URL(s)	Page Status
Webpage 1	Section 1557: Frequently Asked Questions	https://www.hhs.gov/civil-rights/for-individuals/section-1557/1557faqs/index.html	Live, altered
Webpage 2	Training Materials for Section 1557	https://www.hhs.gov/civil-rights/for-individuals/section-1557/trainingmaterials/index.html	Removed
Additional Webpages	Additional Webpages with Changes to Information about Section 1557 (Not comprehensively analyzed)		
Additional Webpage 1	Section 1557 of the Patient Protection and Affordable Care Act	https://www.hhs.gov/civil-rights/for-individuals/section-1557/index.html	Live, altered
Additional Webpage 2	Section 1557: Protecting Individuals Against Sex Discrimination	https://www.hhs.gov/civil-rights/for-individuals/section-1557/fs-sex-discrimination/index.html	Live, altered
Additional Webpage 3	OCR Enforcement under Section 1557 of the Affordable Care Act Sex Discrimination Cases	https://www.hhs.gov/civil-rights/for-individuals/section-1557/ocr-enforcement-section-1557-aca-sex-discrimination/index.html	Live, altered

Detailed Description of Changes in Access and Content

Note: Throughout the entire report, links to the Internet Archive's Wayback Machine's (IAWM) versions of corresponding pages are provided for reference. IAWM displays time in GMT.

Webpage 1: Section 1557: Frequently Asked Questions

- URL: <https://www.hhs.gov/civil-rights/for-individuals/section-1557/1557faqs/index.html>
- Changes detailed in this report occurred between [March 15, 2017](#) and [August 18, 2017](#).
- No known archive identified.

Webpage 1 Details:

1. Between [March 15, 2017](#) and [August 18, 2017](#), questions on this page have been categorized into different sections, some of which have been removed or altered:

Index	Section name	Section removed?	Has text listed within the section been removed or altered?
1	General Questions about Section 1557	No	Yes
2	Age Discrimination	No	No
3	Compliance Coordinators	No	No
4	Effective Date for Addressing Gender-coding	Yes	Yes
5	Assurance of Compliance	No	No
6	Definitions of Terms	No	No
7	Medicare Advantage Plans	No	No
8	Effective Date for Compliance in Claims Processing	No	No
9	Effective (Applicability) Date for Medicaid Agencies	No	No
10	Language Assistance	No	No
11	Sex Discrimination	No	Yes
12	Health Insurance	No	No
13	Gender-Coding	No	Yes

2. Between [March 15, 2017](#) and [April 27, 2017](#) ([Screenshot 1.1](#)), the following changes occurred:
 - a. Changes to the section “General Questions about Section 1557”:
 - i. **Removed text:**
“Areas of sex discrimination that HHS OCR may continue to enforce include: harassment based on sex and allegations related to sex stereotyping that do not involve gender identity claims, as well as other forms of discrimination based on sex other than gender identity or termination of pregnancy.”
3. Between [May 14, 2017](#) and [June 9, 2017](#), the following changes occurred:
 - a. **Added text** ([Screenshot 1.2](#)):
“Pursuant to court order, OCR is enjoined from enforcing the Section 1557 regulation’s [sic] prohibitions against discrimination on the basis of gender identity and termination of pregnancy on a nationwide basis. For information about the court order, please see above,” to the answers of the following eight questions:
 - i. “What types of discrimination constitute discrimination on the basis of sex?” (*from “General Questions on Section 1557” section*)
 - ii. “What does the provision that specifically addresses equal program access on the basis of sex in health programs and activities require?” (*from “General Questions on Section 1557” section*)
 - iii. “What does the provision regarding nondiscrimination in health insurance and other health coverage prohibit?” (*from “General Questions on Section 1557” section*)
 - iv. “By what date are covered entities required to make changes to address gender-coding issues?” (*from former “Effective Date for Addressing Gender-coding” section*)
 - v. “What does Section 1557 require with regard to general medical care for transgender individuals?” (*from “Sex Discrimination” section*)
 - vi. “What does Section 1557 require with regard to the provision of, or coverage for, sex-specific health services for transgender individuals?” (*from “Sex Discrimination” section*)
 - vii. “What is a gender-coding mismatch?” (*from “Gender-Coding” section*)
 - viii. “How can a covered entity address gender-coding mismatch issues?” (*from “Gender-Coding” section*)
4. Between [June 29, 2017](#) and [August 18, 2017](#), the following changes occurred:
 - a. Changes to the section titled “General Questions on Section 1557”:
 - i. Under the question, “What types of discrimination constitute discrimination on the basis of sex?” ([Screenshot 1.3](#))
 1. **Altered text from:** “Under the final rule, sex discrimination includes, but is not limited to, discrimination on the basis of pregnancy, gender identity and sex stereotyping.”

To: “Under the final rule, sex discrimination includes, but is not limited to, discrimination on the basis of pregnancy.”

2. **Removed text:**

“More than 25 years ago, the U.S. Supreme Court held that discrimination based on stereotypical ideas about gender is unlawful sex discrimination.”

3. **Removed text:**

“While the final rule does not resolve whether discrimination on the basis of an individual’s sexual orientation status alone is a form of sex discrimination under Section 1557, the rule makes clear that OCR will evaluate complaints that allege sex discrimination related to an individual’s sexual orientation to determine if they involve the sorts of stereotyping that can be addressed under 1557. HHS supports prohibiting sexual orientation discrimination as a matter of policy and will continue to monitor legal developments on this issue.”

ii. Under the question, “What does the provision that specifically addresses equal program access on the basis of sex in health programs and activities require?”

1. **Altered text from:** “The final rule requires covered entities to provide individuals equal access to health programs and activities without discrimination on the basis of sex and to treat individuals consistent with their gender identity.”

To: “The final rule requires covered entities to provide individuals equal access to health programs and activities without discrimination on the basis of sex.”

iii. Under the question, “What does the provision regarding nondiscrimination in health insurance and other health coverage prohibit?”

1. **Removed text:**

“The final rule also prohibits a covered entity from denying or limiting coverage, denying or limiting a claim, or imposing additional cost sharing or other limitations, on any health services that are ordinarily or exclusively available to individuals of one gender, based on the fact that an individual’s sex assigned at birth, gender identity, or recorded gender is different than the one to which the health care services are ordinarily or exclusively available. For example, when a plan covers medically appropriate pelvic exams, coverage cannot be denied for an individual for whom a pelvic exam is medically appropriate based on the fact that the individual either identifies as a transgender man or is enrolled in the health plan as a man.

Under the final rule, categorical coverage exclusions or limitations for all health services related to gender transition are discriminatory. Also, a covered entity cannot deny or limit coverage, deny or limit a claim, or impose additional cost sharing or other limitations or restrictions, for any specific health services related to gender transition if such denial, limitation or restriction results in discrimination against a transgender individual.”

b. **Removed the section** titled “Effective Date for Addressing Gender-Coding”:

i. **Removed the question:** “By what date are covered entities required to make changes to address gender-coding issues?”

1. **Removed text:**

“July 18, 2016 was the effective date for making necessary modifications in claims processing systems to address problems with gender-based coding. OCR does recognize, however, that some issuers use computer systems that accommodate only binary gender billing codes that flag a gender mismatch for coverage of certain sex-specific services. This is permissible on an interim basis if it does not result in a delay of services or processing of a claim for services. OCR expects issuers to use feasible interim methods, until their computer systems are updated, for correcting initial coverage denials due to computer systems flagging a gender mismatch. Issuers have flexibility in designing such interim methods for processing claims for sex-specific services by transgender individuals as long as the process is not overly burdensome and provides timely access to care and coverage. See the discussion in the Preamble to the Final Rule. 81 Fed. Reg.31376, 31436 (May 18, 2016).”

2. **Removed text:**

“Pursuant to court order, OCR is enjoined from enforcing the Section 1557 regulation’s [sic] prohibitions against discrimination on the basis of gender identity and termination of pregnancy on a nationwide basis. For information about the court order, please see above.”

c. Changes to the section titled “Sex Discrimination”:

i. **Removed the question:** “What does Section 1557 require with regard to general medical care for transgender individuals?”

1. **Removed text:**

“Under Section 1557, discrimination on the basis of sex includes discrimination on the basis of gender identity; the law thus prohibits discrimination against transgender individuals. This prohibition imposes several types of obligations on covered entities. For example, covered entities, as a general matter, must provide transgender individuals equal access to programs,

including facilities, without discrimination and consistent with an individual's gender identity. Moreover, health care professionals may not deny treatment to a transgender individual based on the fact that the individual is transgender, if the health care professional would provide the same treatment for a non-transgender individual. For example a general practitioner may not refuse to treat a transgender male for a broken arm, based on the individual's transgender status, if he or she would treat the broken arm of individuals who are not transgender."

2. **Removed text:**

"Pursuant to court order, OCR is enjoined from enforcing the Section 1557 regulation's [sic] prohibitions against discrimination on the basis of gender identity and termination of pregnancy on a nationwide basis. For information about the court order, please see above."

Note: The text "please see above" is linked and directs to the "General Questions" section on the same page.

ii. **Removed the question:** "What does Section 1557 require with regard to the provision of, or coverage for, sex-specific health services for transgender individuals?"

1. **Removed text:**

"As a general matter, if a transgender individual needs a sex-specific health service, covered entities may not deny that service because the individual is transgender. For example, if a transgender woman has a prostate, and prostate exams are recommended for men of her age and/or risk factors, an internal medicine practice may not refuse to provide a medically indicated prostate exam to her because she identifies as a woman or because her records or identification identify her as female.

Similarly, covered health insurance plans may not deny or limit claims for sex-specific health services for a transgender individual based on the fact that an individual's sex assigned at birth, gender identity, or gender otherwise recorded in a record does not correspond to the gender of individuals to whom the service is typically provided. For example, a covered health insurance plan could not deny coverage of a claim for a medically indicated pap smear based on the fact that the patient identifies as a transgender man. Covered entities must determine coverage of a claim for health services by applying the same nondiscriminatory terms and conditions to everyone, regardless of the individual's sex assigned at birth, gender identity, or recorded gender.

Notably, Section 1557 also prohibits categorical exclusions or limitations of all gender transition- related services in health insurance plans or other health coverage covered by Section 1557.

In addition, in relation to coverage for specific health services related to gender transition, covered entities must utilize a neutral nondiscriminatory rule or principle in deciding whether to deny or limit claims for specific health services for a transgender individual. For example, if a health insurance plan denies coverage for hormone therapy that a patient's provider says is medically necessary to treat gender dysphoria while approving coverage for medically necessary hormones used to treat different conditions, OCR would evaluate the reasons why coverage for the same treatment is available to individuals with different health conditions and expect the covered entity to provide a neutral, nondiscriminatory reason for the denial that is not a pretext for discrimination."

2. **Removed text:**

"Pursuant to court order, OCR is enjoined from enforcing the Section 1557 regulation's [sic] prohibitions against discrimination on the basis of gender identity and termination of pregnancy on a nationwide basis. For information about the court order, please see above."

Note: The text "please see above" is linked and directs to the "General Questions" section on the same page.

iii. **Removed the question:** "Does Section 1557 prohibit harassment based on sex, including on the basis of sex stereotyping?" ([Screenshot 1.4](#))

1. **Removed text:**

"Consistent with longstanding principles of Federal civil rights principles, Section 1557 prohibits harassment based on race, color, national origin, sex, age or disability. Covered entities must respond promptly and effectively to sex-based harassment of individuals in their health programs or activities, by taking action to eliminate the harassment, prevent its recurrence and address its effects. For example, if a male nursing home resident is harassed by staff based on his non-conformity with stereotypical notions of how a man is expected to act or appear (including mannerisms, apparel, or grooming choices), that may constitute discrimination on the basis of sex that must be addressed by the entity. The nursing home must take action to stop the staff harassment, prevent it from recurring and address the effects of the harassment. In addition, the nursing home should adopt policies

addressing sex-based harassment to make clear that such harassment is not tolerated in the workplace.”

d. Changes to the section titled “Gender-Coding”:

i. **Removed the question:** “What is a gender-coding mismatch?”

1. **Removed text:**

“Covered entities offering private health insurance or health coverage through the Medicare and Medicaid programs may use automated billing practices to process claims for services, including procedure codes and diagnosis codes to identify which service was performed and why it was performed. As part of this process, some services are coded as sex-specific, meaning that they are only provided for one sex. The automated billing process then denies claims for services when there is a gender mismatch between the gender of the individual receiving the treatment or service and the billing code associated with the biological sex that typically receives that service. For example, a gender-coding mismatch can occur when a transgender male seeks coverage for treatment of ovarian cancer, due to the fact that the individual’s gender (male) does not align with the gender (female) that typically receives that service. A gender-coding mismatch can also occur when the gender of the individual receiving the treatment or service is different from the gender identified in the covered entity’s records. For example, this can occur when a transgender male seeks coverage for a broken arm, but the computer system denies the claim because the individual’s gender (male) does not align with the individual’s gender (female) that had been originally recorded in the system.”

2. **Removed text:**

“Pursuant to court order, OCR is enjoined from enforcing the Section 1557 regulation’s [sic] prohibitions against discrimination on the basis of gender identity and termination of pregnancy on a nationwide basis. For information about the court order, please see above.”

Note: The text “please see above” is linked and directs to the “General Questions” section on the same page.

ii. **Removed the question:** “How can a covered entity address gender-coding mismatch issues?”

1. **Removed text:**

“OCR recognizes that covered entities have certain requirements as to their claims processing systems. Issuers are free to develop their own methods for addressing gender-coding mismatches, but as an example, OCR suggests that covered entities consider using a unique billing code modifier that a health care provider

could submit, along with a claim for sex-specific services for a transgender patient, which would alert the issuer that it should override any sex-specific billing codes. This modifier could be similar to the condition code 45 under Medicare Part A or the KX modifier under Medicare Part B that is used by the Centers for Medicare & Medicaid Services to address inappropriate denials of coverage for care and services typically thought of as gender-specific. When used alongside standard billing codes for specific procedures, this additional code alerts Medicare's computer system to ignore an apparent gender mismatch and thus allows the claim to be processed.[44]

The Section 1557 rule preamble specifies that covered entities should develop methods for correcting coverage denials due to computer systems flagging a gender mismatch. Such flagging by itself would not be impermissible if it does not result in a delay or denial of services or a claim for services. However, as the preamble makes clear, once a covered entity is aware that a gender code mismatch is causing a delay or denial of services or a claim for services, the entity must develop a another method to process claims for sex-specific services by transgender individuals. The method developed may not be overly burdensome and must provide timely access to care. Thus, requiring transgender employees to repeatedly go through internal appeals processes to obtain coverage for certain services would subject these enrollees to a burdensome process that is likely to delay their receipt of coverage or timely payment of a claim. Instead, issuers could notate in the individual's file that the individual is transgender to ensure that such services are approved in the future or utilize a billing code modifier as discussed above."

2. **Removed text:**

"Pursuant to court order, OCR is enjoined from enforcing the Section 1557 regulation's [sic] prohibitions against discrimination on the basis of gender identity and termination of pregnancy on a nationwide basis. For information about the court order, please see above."

Note: *The text "please see above" is linked and directs to the "General Questions" section on the same page.*

e. Changes to footnotes:

i. **Removed reference:**

"CMS Manual System, Pub 100-04 Medicare Claims Processing Manual, Transmittal 1877, Instructions Regarding Processing Claims Rejecting for Gender/Procedure Conflict (Dec. 18, 2009)."

Note for all Webpage 1 screenshots: The changes to the page were confirmed using [DiffChecker](#). Red highlights show text that was removed between the specified dates. Green highlights show text that was added between the specified dates.

Screenshot 1.1: A side-by-side of text in the “General Questions about Section 1557” section from the from the [January 29, 2017](#) and [August 18, 2017](#) versions of the “Section 1557: Frequently Asked Questions” page, as captured by the Internet Archive’s Wayback Machine.

General Questions about Section 1557

On December 31, 2016, the U.S. District Court for the Northern District of Texas issued an opinion in *Franciscan Alliance, Inc. et al v. Burwell*, enjoining the Section 1557 regulation’s prohibitions against discrimination on the basis of gender identity and termination of pregnancy on a nationwide basis. Accordingly, HHS’ Office for Civil Rights (HHS OCR) may not enforce these two provisions of the regulation implementing these same provisions, while the injunction remains in place. Consistent with the court’s order, HHS OCR will continue to enforce important protections against discrimination on the basis of race, color, national origin, age, or disability, as well as other sex discrimination provisions that are not impacted by the court’s order. **Areas of sex discrimination that HHS OCR may continue to enforce include: harassment based on sex and allegations related to sex stereotyping that do not involve gender identity claims, as well as other forms of discrimination based on sex other than gender identity or termination of pregnancy.**

1. What is Section 1557?

Section 1557 is the nondiscrimination provision of the Affordable Care Act (ACA). The law prohibits discrimination on the basis of race, color, national origin, sex, age, or disability in health programs or activities that receive Federal financial assistance or are administered by an Executive agency or any entity established under Title I of the ACA. Section 1557 has been in effect since enactment of the ACA.

General Questions about Section 1557

On December 31, 2016, the U.S. District Court for the Northern District of Texas issued an opinion in *Franciscan Alliance, Inc. et al v. Burwell*, enjoining the Section 1557 regulation’s prohibitions against discrimination on the basis of gender identity and termination of pregnancy on a nationwide basis. Accordingly, HHS’ Office for Civil Rights (HHS OCR) may not enforce these two provisions of the regulation implementing these same provisions, while the injunction remains in place. Consistent with the court’s order, HHS OCR will continue to enforce important protections against discrimination on the basis of race, color, national origin, age, or disability, as well as other sex discrimination provisions that are not impacted by the court’s order.

1. What is Section 1557?

Section 1557 is the nondiscrimination provision of the Affordable Care Act (ACA). The law prohibits discrimination on the basis of race, color, national origin, sex, age, or disability in health programs or activities that receive Federal financial assistance or are administered by an Executive agency or any entity established under Title I of the ACA. Section 1557 has been in effect since enactment of the ACA.

Screenshot 1.2: A side-by-side of text in the “General Questions about Section 1557” section from the from [May 14, 2017](#) and [June 9, 2017](#) versions of the “Section 1557: Frequently Asked Questions” page, as captured by the Internet Archive’s Wayback Machine. This is a representative example of the same text that was added to the answers for eight different questions listed on the page.

15. What does the provision that specifically addresses equal program access on the basis of sex in health programs and activities require?

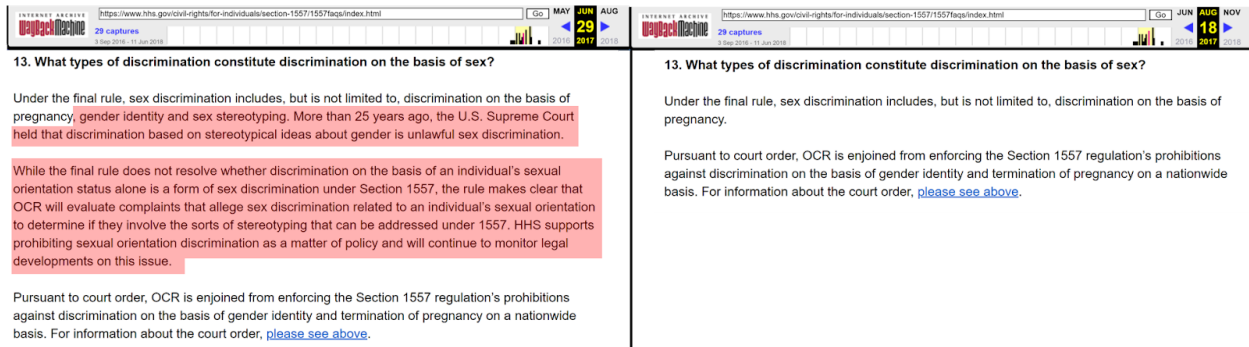
The final rule requires covered entities to provide individuals equal access to health programs and activities without discrimination on the basis of sex and to treat individuals consistent with their gender identity. This provision applies to all health programs and activities, including with regard to access to facilities, administered by the covered entity.

15. What does the provision that specifically addresses equal program access on the basis of sex in health programs and activities require?

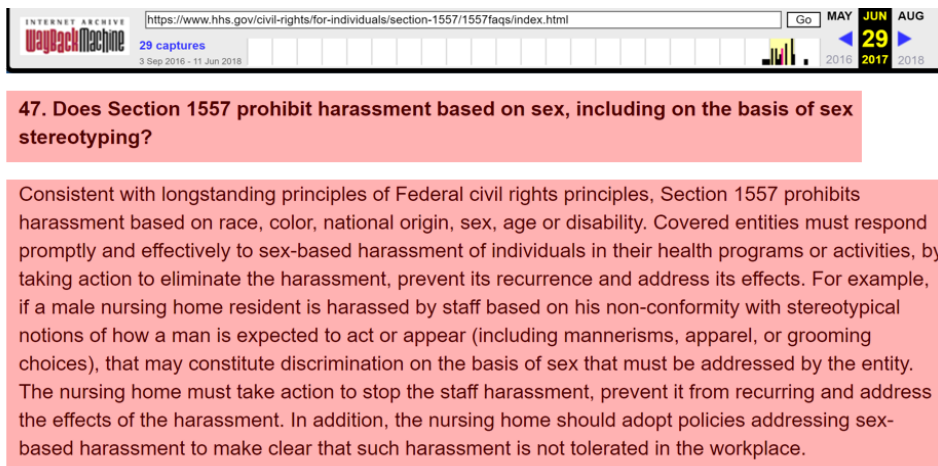
The final rule requires covered entities to provide individuals equal access to health programs and activities without discrimination on the basis of sex and to treat individuals consistent with their gender identity. This provision applies to all health programs and activities, including with regard to access to facilities, administered by the covered entity.

Pursuant to court order, OCR is enjoined from enforcing the Section 1557 regulation’s prohibitions against discrimination on the basis of gender identity and termination of pregnancy on a nationwide basis. For information about the court order, [please see above](#).

Screenshot 1.3: A side-by-side of text in the “General Questions about Section 1557” section from the [June 29, 2017](#) and [August 18, 2017](#) versions of the “Section 1557: Frequently Asked Questions” page, as captured by the Internet Archive’s Wayback Machine.



Screenshot 1.4: A question and corresponding answer in the “Sex Discrimination” section of the [June 29, 2017](#) version of the “Section 1557: Frequently Asked Questions” page, removed before [August 18, 2017](#), as captured by the Internet Archive’s Wayback Machine.



Webpage 2: Training Materials for Section 1557

- URL:
<https://www.hhs.gov/civil-rights/for-individuals/section-1557/trainingmaterials/index.html>
- Page was removed between **March 15, 2017** and **July 7, 2018** (**Note: The large date range is due to sporadic captures by the Internet Archive's Wayback Machine.**)
- No known archive identified.

Webpage 2 Details:

1. The "Training Materials for Section 1557" page was removed between March 15, 2017 and July 7, 2018.
2. The page's URL
<https://www.hhs.gov/civil-rights/for-individuals/section-1557/trainingmaterials/index.html> leads to a "Page Not Found" notice.
3. A link to this page was previously listed on the "Section 1557 of the Patient Protection and Affordable Care Act" page ([Webpage 3, Additional Webpages](#)).
4. The page included the following text and links ([Screenshot 2.1](#)):
"HHS OCR strongly encourages covered entities to train their employees on compliance with Section 1557. To help covered entities, HHS OCR has prepared a Presenter's Guide and accompanying PowerPoint slides. These training materials were created to supplement covered entities' trainings on their internal policies and procedures that are now required under Section 1557."

Section 1557 of the Affordable Care Act: A Civil Rights Training for Health Providers and Employees of Health Programs and Health Insurance Issuers

[Download Presenter's Guide - PDF](#)

[Download Slide Deck - PDF](#)

- a. The links listed above currently lead to live pages:
 - i. The "Download Presenter's Guide" link with the URL
<https://www.hhs.gov/sites/default/files/section1557-presenters-guide.pdf> leads to a 27-page PDF titled "A Civil Rights Training for Health Provides and Employees of Health Programs and Health Insurance Issuers," with a subheader "Presenter's Guide," which is currently live ([July 15, 2018](#)).
 - ii. The "Download Slide Deck" link with the URL
<https://www.hhs.gov/sites/default/files/section1557-training-slides.pdf> leads to a 26-page PDF titled "A Civil Rights Training for Health Providers and Employees of Health Programs and Health Insurance Issuers" (same title as the "Presenter's Guide"), which is currently live ([July 15, 2018](#)).
 - iii. The training materials were dated July 2016.
 - iv. Links to these training materials have not been found on other webpages.

Screenshot 2.1: The [March 15, 2017](#) version of the “Training Materials for Section 1557” page, captured by the Internet Archive’s Wayback Machine.

INTERNET ARCHIVE
Wayback Machine
https://www.hhs.gov/civil-rights/for-individuals/section-1557/trainingmaterials/index.html
Go
JAN MAR JUL
16 captures
23 Jul 2016 - 8 Jul 2018
2016 2017 2018
15
HHS.gov
U.S. Department of Health & Human Services
Civil Rights
I'm looking for...
HHS A-Z Index

[HHS](#) > [Civil Rights Home](#) > [For Individuals](#) > [Section 1557](#) > Training Materials for Section 1557

Civil Rights for Individuals and Advocates	—
Race, Color, National Origin	
Disability	
Age Discrimination	
Sex Discrimination	
Religion	
Section 1557	
Hill-Burton	
Health Care Conscience Protection	
Section 1553	
Special Topics	
HIPAA and FTC Act	
Civil Rights FAQs	
Fact Sheets	
HHS Nondiscrimination Notice	
Language Assistance Services	

Text Resize **A A A** Print Share

Training Materials for Section 1557

HHS OCR strongly encourages covered entities to train their employees on compliance with Section 1557. To help covered entities, HHS OCR has prepared a Presenter’s Guide and accompanying PowerPoint slides. These training materials were created to supplement covered entities’ trainings on their internal policies and procedures that are now required under Section 1557.

Section 1557 of the Affordable Care Act: A Civil Rights Training for Health Providers and Employees of Health Programs and Health Insurance Issuers

[Download Presenter’s Guide - PDF](#)

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Content created by Office for Civil Rights (OCR)
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Additional Webpages with Changes to Information about Section 1557

Note: The following webpages have not been comprehensively analyzed, at any given point in time or across time. For each webpage, only representative examples of changes that have occurred in the stated date range are listed.

Additional Webpage 1: Section 1557 of the Patient Protection and Affordable Care Act

1. URL: <https://www.hhs.gov/civil-rights/for-individuals/section-1557/index.html>
2. Changes occurred between **March 24, 2017** and **April 10, 2017**.
 - a. **Removed section** titled “Training Materials for Covered Entities.”
 - i. **Removed the following text and link:**
“HHS Office for Civil Rights has created training materials to help supplement covered entities’ trainings on their internal policies and procedures that are now required under Section 1557. [For training materials, go here.](#)”
 - ii. The above link led to a page titled “Training Materials for Section 1557” at the URL <https://www.hhs.gov/civil-rights/for-individuals/section-1557/trainingmaterials/index.html>, which is now removed ([Webpage 2](#)).

Additional Webpage 2: Section 1557: Protecting Individuals Against Sex Discrimination

1. URL: <https://www.hhs.gov/civil-rights/for-individuals/section-1557/fs-sex-discrimination/index.html>
2. Changes occurred between **June 28, 2017** and **October 6, 2017**.
 - a. **Altered text from:**
“The rule makes clear that sex discrimination prohibited under Section 1557 includes discrimination based on:
 - An individual’s sex
 - Pregnancy, childbirth and related medical conditions
 - Gender identity
 - Sex stereotyping”**To:**
“The rule makes clear that sex discrimination prohibited under Section 1557 includes discrimination based on:
 - An individual’s sex
 - Pregnancy, childbirth and related medical conditions” (Screenshot A2.1)
 - b. **Altered text from:**
“Individuals cannot be denied health care or health coverage based on their sex, including their gender identity and sex stereotyping.”
To:
“Individuals cannot be denied health care or health coverage based on their sex.”

c. **Removed text:**

“Categorical coverage exclusions or limitations for all health care services related to gender transition are discriminatory.”

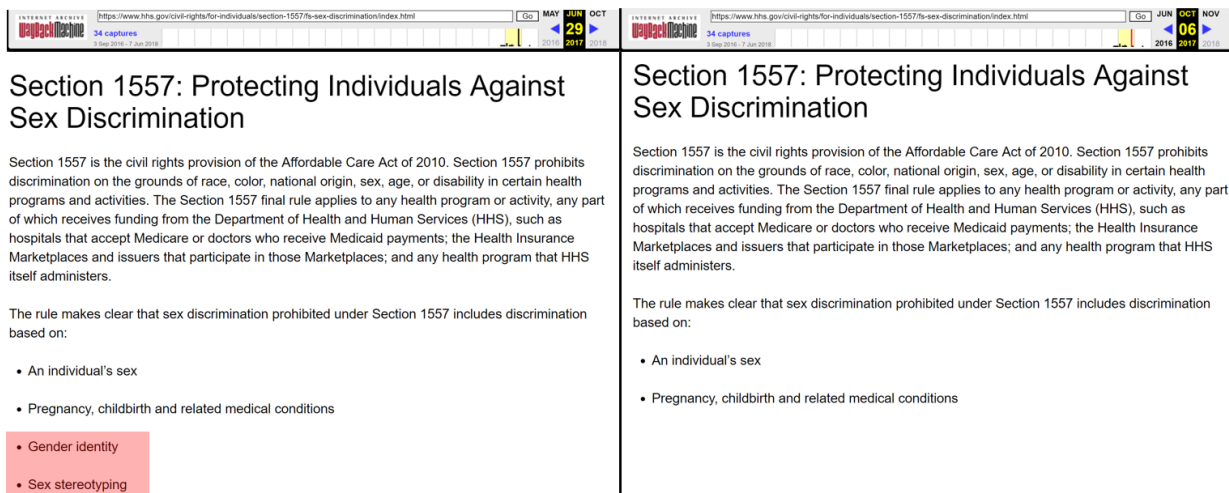
d. **Removed text:**

"Individuals must be treated consistent with their gender identity, including in access to facilities. However, providers may not deny or limit treatment for any health services that are ordinarily or exclusively available to individuals of one gender based on the fact that a person seeking such services identifies as belonging to another gender."

e. **Removed text:**

"While the final rule does not resolve whether discrimination on the basis of an individual's sexual orientation status alone is a form of sex discrimination under Section 1557, the rule makes clear that OCR will evaluate complaints that allege sex discrimination related to an individual's sexual orientation to determine if they involve the sorts of stereotyping that can be addressed under Section 1557. HHS supports prohibiting sexual orientation discrimination as a matter of policy and will continue to monitor legal developments on this issue."

Screenshot A2.1: A side-by-side of text from the [June 28, 2017](#) and [October 6, 2017](#) versions of the “Section 1557: Protecting Individuals Against Sex Discrimination” page, as captured by the Internet Archive’s Wayback Machine.



Additional Webpage 3: OCR Enforcement under Section 1557 of the Affordable Care Act Sex Discrimination Cases

1. URL:
<https://www.hhs.gov/civil-rights/for-individuals/section-1557/ocr-enforcement-section-1557-aca-sex-discrimination/index.html>
2. Changes occurred between **June 28, 2017** and **September 6, 2017**.
 - a. **Removed** seven of ten listed “case examples that highlight OCR’s enforcement results in complaints alleging discrimination on the basis of sex.” (*Note: except for the case example listed below, all other removed cases were examples of OCR enforcing complaints about discrimination against transgender individuals on the basis of gender identity*).
 - i. **Removed one case example of OCR receiving a complaint on the basis of gender expression:**
“OCR received a complaint from a man who received transportation services for his doctors’ appointments from a private medical transportation provider in Georgia. The complainant alleged that multiple drivers harassed him because of his feminine gender expression. As a result of OCR’s investigation, staff, including drivers, received training on how to avoid sex stereotyping and usage of appropriate terminology. Quality and safety measures were also implemented to prevent discriminatory treatment.”
 - ii. **Removed six case examples of OCR receiving a complaint on the basis of gender identity, specifically transgender identity, which are not detailed in this report.**