



UNIVERSITY of
ROCHESTER
MEDICAL CENTER

MEDICINE of THE HIGHEST ORDER

July 7, 2020

The Honorable Alex M. Azar II
Secretary
U.S. Department of Health and Human Services
200 Independence Ave., SW
Washington, D.C. 20201

Dear Secretary Azar:

We are writing to ask the Department of Health and Human Services (HHS) to rescind the final rule issued June 12 that eliminates non-discrimination protections for LGBTQ individuals previously enumerated in Section 1557 of the Affordable Care Act.

Through membership in the Association of American Medical Colleges, the University of Rochester Medical Center strenuously objected to this rule change when proposed. It will decrease health care access and use for the LGBTQ community, especially transgender and gender diverse individuals. This harms many of our patients and families, increases fear of discrimination, and widens already serious inequities in health and health care outcomes—inequities that have been well documented by the Centers for Disease Control and Prevention.

Simply put, the June 12 rule contradicts the core mission of your department “to enhance and protect the well-being of all Americans.”

Moreover, it contradicts a Supreme Court ruling made three days after publication of the new HHS rule. In three cases involving discrimination in the workplace, the Court ruled June 15 that the 1964 Civil Rights Act specifically protects gay, lesbian, and transgender employees. Writing for the 6 to 3 majority, Justice Neil Gorsuch said, “It is impossible to discriminate against a person for being homosexual or transgender without discriminating ... based on sex.”

Surely the Court would similarly agree that no one should fear being turned away by a medical provider because of who they are, who they love, or the personal health decisions they have made. Rather than wait for this decision to be challenged through the legal process, HHS can affirm dedication to its mission by simply rescinding the rule.

The University of Rochester Medical Center opposes discrimination in any form and is working hard to create an inclusive culture where all people—patients and providers, visitors and staff members, learners and faculty—feel safe, welcome, and supported at all times. Much work remains to be done, but we are proud of progress we are making in the care and support of our LGBTQ community.

Your June 12 rule works to deny people their lived experiences, and it undermines the ability all people deserve to seek health care with dignity. We urge you to reconsider your decision and rescind the rule.

Sincerely,

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