



The Colorado Health Foundation™

August 3, 2016

U.S. Department of Health & Human Services
Centers for Medicare and Medicaid Services (CMS)
Attention: 1557 NPRM (RIN 0945-AA02)
P.O. Box 8010
Baltimore, MD 21244

Submitted electronically via Regulations.gov

RE: Comments on “Conditions of Participation (CoP)” (CMS-3295-P)

Dear Secretary Burwell:

The Colorado Health Foundation supports the sections of the Department of Health & Human Services’ (HHS) proposed rule relating to non-discrimination protections in its conditions of participation for hospitals and critical access hospitals. We applaud HHS’ efforts to advance health equity and to reduce barriers to accessing necessary health care services. The nondiscrimination provisions in this proposed rule will compliment and strengthen the previously approved rule regarding non-discrimination in covered health programs authorized in Section 1557 of the Affordable Care Act (ACA).

The Colorado Health Foundation is a private foundation committed to improving the health and well-being of all Coloradans. We are guided by a vision of making Colorado the healthiest state in the nation through grantmaking, public policy initiatives, evaluation, private sector engagement and communications outreach. The Foundation supports the nondiscrimination provisions in this proposed rule as an important step towards clarifying existing policy and codifying new and necessary protections to ensure that all individuals have equal access to health care services from hospitals.

We commend HHS for continuing to advance non-discrimination policies that help to ensure access to care, especially for those who are most vulnerable to discrimination in health care settings. Entities covered by this proposed rule are already prohibited from discrimination on the basis of race, color, national origin (Title VI), age (the Age Act), and sex, including gender identity (Section 1557 of ACA). However, explicitly stating a prohibition on nondiscrimination in Hospitals’ and Critical Access Hospitals’ Conditions of Participation will help strengthen important civil rights protections for individuals who may fear seeking care in those settings. We also commend CMS for its inclusion of explicit protections from discrimination on the basis of a person’s gender identity, sexual orientation and limited English proficiency in this proposed rule.

In closing, we appreciate your consideration of our comments. The Colorado Health Foundation urges HHS to quickly move forward with a final rule codifying the vital nondiscrimination protections delineated in this proposed rule.

If you have any questions about these comments, please contact Dustin Moyer, policy officer at the Colorado Health Foundation at DMoyer@ColoradoHealth.org or 303.953.3650.

Sincerely,

A handwritten signature in black ink that reads "Karen McNeil-Miller". The signature is written in a cursive style with a large initial "K" and a long, sweeping underline.

Karen McNeil-Miller, Ed.D.
President and CEO
The Colorado Health Foundation