



Comments on Proposed Rule HHS-OCR-2026-0034 – Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance

The Colorado Health Foundation submitted comments opposing the U.S. Department of Health and Human Services' proposed rule HHS-OCR-2026-0034 that would remove protections for individuals with gender dysphoria. The Foundation argues that the proposal undermines the intent and purpose of Section 504, which was designed to prevent discrimination against people with disabilities in federally funded programs and services. CHF notes that the current interpretation of Section 504, reaffirmed in a 2024 final rule and supported by court precedent, recognizes that denying or restricting care based on gender dysphoria may constitute unlawful discrimination. The Foundation contends that rolling back these protections would weaken access to medically necessary care and disproportionately harm transgender and gender-diverse individuals.

The letter also highlights the broader health, economic, and social consequences of the proposed rule. CHF argues that allowing federally funded entities to deny care without accountability would increase delayed and foregone care, worsen health outcomes, and deepen mistrust of health systems among transgender and gender-diverse people. It further notes that barriers to care can create significant financial burdens, particularly for low-income individuals and communities already facing inequities. Finally, the Foundation warns that removing gender

dysphoria from disability protections sends a harmful message that discrimination is acceptable, contributing to stigma, social isolation, and poorer mental health outcomes. For these reasons, CHF urges the HHS Office for Civil Rights to withdraw the proposed rule and maintain existing protections under Section 504 to advance health equity and equal access to care.

[READ THE FULL LETTER HERE](#)

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Announcements

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