February 12, 2020

Hon. Alex Azar, Secretary  
U.S. Department of Health and Human Services  
200 Independence Avenue SW  
Washington, DC 20201

Shannon Royce, Director  
Center for Faith and Opportunity Initiatives  
Office of the Secretary, HHS  
200 Independence Avenue SW  
Washington, DC 20201

RE: Ensuring Equal Treatment of Faith-Based Organizations (HHS-OS-2020-0001)

To Secretary Azar and Director Royce:

The Colorado Health Foundation is grateful for the opportunity to provide comments on the Department of Health and Human Service’s proposed rule relating to equal treatment of faith-based social service providers and grantees. We firmly believe that religious freedom is a fundamental American value, but we urge the Department not to enact this proposed rule. If implemented as proposed, we are concerned this rule could ultimately obstruct Coloradans’ access to vital health and social services.

The Colorado Health Foundation is the third-largest health foundation in the country and is dedicated to a mission of improving the health of Coloradans. We work closely with partners in the private, public and nonprofit sectors to bring health within reach for all Coloradans, and we do everything with the intent of creating health equity.

Unfortunately, many Coloradans already face enormous barriers to receiving the healthcare services and other supports they may need to live healthy lives, like the ones supported by the Department of Health and Human Services through is grantmaking programs and initiatives. Accessing quality, culturally competent healthcare and social services are a challenge particularly for those living in areas with limited access to health providers or who may encounter bias or discrimination because of their personal characteristics or the types of services they are seeking. People living in less densely populated areas already face a myriad of barriers to obtaining healthcare and other services including fewer options for health insurance coverage, narrower provider networks, and transportation challenges. This is in addition to the challenges of taking time away from work, school, or family, and other barriers that go along with seeking
healthcare and other services. For many, the sheer distance to a healthcare facility can be a daunting challenge. This means that if a healthcare or social service provider receiving funding from the Department of Health and Human Services turns away or refuses services to people without providing alternatives for accessing those services, they could add yet another obstacle to receiving care for many Coloradans. It is not acceptable for a person to be denied necessary care and services by providers in their community on the basis of sexual orientation, gender identity, family structure or type of service needed.

We strongly urge the Department not to proceed with finalizing this proposed rule. The broad and vague language in this proposed rule creates a scenario in which courts around the country could be flooded with time consuming and expensive litigation to clarify the legal ambiguity it would create. The Colorado Health Foundation believes having access to high quality and culturally competent healthcare and social services is crucially important for bringing health in reach for all Coloradans. We urge the Department to withdraw this proposed rule because of the negative consequences it could have on Coloradans’ ability to receive needed services.

We thank you for your consideration of our comments. If you have any questions, please contact Kyle Rojas Legleiter, senior director of public policy at the Colorado Health Foundation at klegleiter@coloradohealth.org or 303-953-3618.

Sincerely,

Kyle Rojas Legleiter
Senior Director of Policy
Colorado Health Foundation