



August 13, 2019

Mr. Roger Severino
Director
Office of Civil Rights
Centers for Medicare & Medicaid Services
U.S. Department of Health and Human Services
Hubert H. Humphrey Building, Room 509F
200 Independence Avenue SW
Washington, D.C. 20021

Attention: Section 1557 NPRM, RIN 0945–AA11

Dear Mr. Severino:

The Healthcare Leadership Council (HLC) appreciates the opportunity to comment on the Administration’s proposed rule on “Nondiscrimination in Health and Health Education Programs or Activities.”

HLC is a coalition of chief executives from all disciplines within American healthcare. It is the exclusive forum for the nation’s healthcare leaders to jointly develop policies, plans, and programs to achieve their vision of a 21st century healthcare system that makes affordable high-quality care accessible to all Americans. Members of HLC – hospitals, academic health centers, health plans, pharmaceutical companies, medical device manufacturers, laboratories, biotech firms, health product distributors, post-acute care providers, home care providers, and information technology companies – advocate for measures to increase the quality and efficiency of healthcare through a patient-centered approach.

HLC supports this proposed rule to revise its Section 1557 regulation in order to better comply with the mandates of Congress, address legal concerns, eliminate billions of dollars in undue regulatory burdens, further substantive compliance, reduce confusion, and clarify the scope of Section 1557. HLC has been a strong advocate of the Department of Health and Human Services (HHS) narrowing the requirement for issuers

to present tagline notices or notifications that indicate information is available in 15 alternative languages.

When HHS enacted the 2016 rule, it estimated notice and tagline costs of about \$7.2 million in the first five years. However, the 2016 rule did not fully account for printing and mailing costs associated with these notices and taglines. It underestimated the burden of these requirements by more than three billion dollars over five years. The newly proposed section 1557 rule estimates an additional savings of approximately \$400 million over five years by eliminating duplicative requirements and reverting to well-established language access guidance, resulting in a total savings of approximately \$3.6 billion in the first five years after finalization.

Additionally, HLC believes rather than requiring regulated health companies to mail billions of paper taglines to mostly English speakers, the money saved could and should be used to address more effectively individual needs of non-English speakers such as providing increased access for translators and interpreters.

Thank you for the opportunity to provide comments on the proposed rule “Nondiscrimination in Health and Health Education Programs or Activities.” HLC looks forward to continuing to work with you on our shared priorities. If you have any questions, please do not hesitate to contact Debbie Witchey at (202) 449-3435 or dwitchey@hlc.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary R. Grealy". The signature is fluid and cursive, written over a white background.

Mary R. Grealy
President