



August 6, 2019

Alex Azar, Secretary
U.S. Department of Health and Human Services
Office for Civil Rights
Hubert H. Humphrey Building, Room 509F
200 Independence Avenue SW
Washington, DC 20201

RE: Nondiscrimination in Health and Health Education Programs or Activities, RIN: 0945-AA11
Comments

Dear Secretary Azar:

On behalf of the more than 131,000 PAs (physician assistants) practicing throughout the United States, the American Academy of PAs (AAPA) welcomes the opportunity to submit comments to the Department of Health and Human Services (HHS) responding to the recently proposed revision to regulations issued under Section 1557 of the Patient Protection and Affordable Care Act (PPACA). This section prohibits discrimination on the basis of race, color, national origin, sex, age, and disability under any health program or activity, any part of which is receiving Federal financial assistance, including credits, subsidies, or contracts of insurance, or under any program or activity that is administered by an Executive Agency or any entity established under Title I of the PPACA.

AAPA supports ensuring essential health services, including reproductive healthcare services, are available to all patients and ensuring strong protections are in place against discrimination for lesbian, gay, bisexual, transgender, and questioning (LGBTQ) individuals protected under Section 1557 of the Affordable Care Act.

AAPA is opposed to the proposed rule eliminating the general prohibition on discrimination based on gender identity, as well as health insurance coverage protections for transgender individuals. Consistent with AAPA's previous [comment letter](#) to Secretary Azar regarding conscience rights in relation to healthcare, from March 26, 2018, AAPA remains concerned the approach taken in the proposal to broaden the scope of conscience protections for healthcare providers will almost certainly have a negative impact on access to healthcare for patients, especially those who are most vulnerable and those who may live in rural or underserved areas. AAPA is concerned these proposed changes would place the personal beliefs of healthcare providers above each provider's paramount responsibility to ensure that every patient has access to care.

The foremost value of the PA profession is respect for the health, safety, welfare, and dignity of all human beings, which requires PAs to always act in the best interest of their patients. This concept is the foundation of the patient-PA relationship and underpins the ethical obligation of PAs to see that each of their patients receives appropriate care.

AAPA's policy, which is contained in its Guidelines for Ethical Conduct for the PA Profession, provides guidance on how PAs should act in situations where they believe their beliefs may be compromised, and how best to manage these beliefs in relation to a PA's obligation to provide the best possible care to their patients.

The PA profession's policy on nondiscrimination is as follows: "PAs should not discriminate against classes or categories of patients in the delivery of needed healthcare. Such classes and categories include gender, color, creed, race, religion, age, ethnic or national origin, political beliefs, nature of illness, disability, socioeconomic status, physical stature, body size, gender identity, marital status, or sexual orientation."

Importantly, our policy also holds that, "While PAs are not expected to ignore their own personal values, scientific or ethical standards, or the law, they should not allow their personal beliefs to restrict patient access to care. A PA has an ethical duty to offer each patient the full range of information on relevant options for their healthcare. *If personal moral, religious, or ethical beliefs prevent a PA from offering the full range of treatments available or care the patient desires, the PA has an ethical duty to refer a patient to another qualified provider.*" [Emphasis added.]

AAPA urges the administration to be cognizant of creating new barriers to accessing healthcare for patients and to ensure strong protections are in place to protect those who may be vulnerable to discrimination.

AAPA looks forward to continuing to work with you and your team at HHS. Please do not hesitate to contact Tate Heuer, AAPA Vice President, Federal Advocacy, at 571-319-4338 or theuer@aapa.org, with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Mittman", with a long horizontal flourish extending to the right.

David E. Mittman, PA, DFAAPA
President and Chair of the Board