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3 Title: Transparency Requirement For Hospital Requested Exemption Filing from
4 ACA Categorical Discrimination

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6 Introduced by: Ashton Lewandowski, for the Medical Student Section

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8 Original Authors: Danielle DuPuis and Joanna Hua

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10 Referred To: Reference Committee A

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12 House Action: **APPROVED AS AMENDED**
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15 Whereas, categorical discrimination in healthcare is illegal under Title 1 of the Affordable
16 Care Act (ACA), and

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18 Whereas, the Nondiscrimination in Health Programs and Activities 92.302 provides a route
19 for hospital institutions to apply for religious exemptions to act in compliance with the law, and

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21 Whereas, patients have a right to dictate their own methods of care, and

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23 Whereas, hospital and healthcare institutions are not currently required to report the
24 statuses of their religious exemption requests or policies, and

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26 Whereas, patients are not aware of which healthcare institutions have requested religious
27 exemptions or have enacted policies under said filing, and

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29 Whereas, records of religious exemption requests go to the Health and Human Services
30 office of Civil Rights are only accessible via a Freedom of Information request, and

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32 Whereas, the Freedom of Information request is not an accessible or timely mechanism for
33 the public to ascertain such necessary information for their care, and

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35 Whereas, patients could face adverse health consequences if information about exemptions
36 is not available to the public and they require care that the healthcare facility will not provide;
37 therefore be it

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39 RESOLVED: That MSMS advocates all health care facilities make their filings for religious or
40 other exemptions accessible to the public; and be it further

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42 RESOLVED: That MSMS will support that a Freedom of Information Act request is not
43 required for the public to access exemption filing data.
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46 WAYS AND MEANS COMMITTEE FISCAL NOTE: \$16,000-\$32,000

Relevant MSMS Policy: None

Relevant AMA Policy: None

Sources:

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2. Nondiscrimination in Health Programs and Activities, 87 FR 47824-47920 (Aug. 4, 2022) Docket HHS-OS-2022-0012, from <https://www.federalregister.gov/d/2022-16217/p-1054>
3. Patient Rights | ama-coe. (n.d.). AMA Code of Medical Ethics. Retrieved February 16, 2023, from <https://code-medical-ethics.ama-assn.org/ethics-opinions/patient-rights>
4. Department of Health and Human Services. (2008, December 19). Ensuring That Department of Health and Human Services Funds Do Not Support Coercive or Discriminatory Policies or Practices in Violation of Federal Law (245, 73rd ed.) [Final Rule]. Federal Register. Retrieved February 16, 2023, from <https://www.govinfo.gov/content/pkg/FR-2008-12-19/pdf/E8-30134.pdf>
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7. Ibid
8. Freedom of Information Act flaws need fixing, experts say. (2018, August 4). American Bar Association. Retrieved February 19, 2023, from https://www.americanbar.org/news/abanews/aba-news-archives/2018/08/freedom_of_informati/
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