

# ALEX PADILLA

U.S. SENATOR *for* CALIFORNIA

## Equal Health Care for All Act

Section-by-Section

### **Section 1. Title**

### **Section 2. Findings**

### **Section 3. Data Collection and Reporting**

- Requires the Secretary of Health and Human Services, in consultation with other senior officials, to promulgate regulations requiring health care providers and facilities to disaggregate data on health outcomes by demographic characteristics.
- Requires creation of a publicly available repository of disaggregated data on health care outcomes, which may not include personally identifiable information.

### **Section 4. Requiring Equitable Care in the Hospital Value-Based Purchasing Program**

- Requires inclusion of quality measures of equitable health care in hospital value-based purchasing program, which provides incentive payments to inpatient hospitals for quality of care.

### **Section 5. Provision of Inequitable Health Care as a Basis for Permissive Exclusion from Federal and State Health Care Programs**

- Establishes a pattern of inequitable care as a basis for permissive exclusion from payment under Medicare or Medicaid
- Ensures protection for health care providers that provide care for underserved and low in-come communities

### **Section 6. Establish an Office of Civil Rights and Health Equity**

- Renames the Office of Civil Rights at the Department of Health and Human Services as the Office of Civil Rights and Health Equity, and renames the Director of the Office for Civil Rights the Director of the Office for Civil Rights and Health Equity

### **Section 7. Prohibition on Discrimination in Health Care**

- Requires health care providers to provide a notice of patient rights described under this section
- Prohibits any person or entity providing health care from subjecting a person to inequitable health care on the basis of race, sex (including sexual orientation and gender identity), disability, age, or religion.
- Defines inequitable health care as 1) failing to meet a high-quality care standard, and 2) is discriminatory in intent or effect based on in whole, or in part, race, national origin, sex (including sexual orientation and gender identity), disability status, age, or religion.
- Establishes an administrative process for the Office of Civil Rights and Health Equity to receive and investigate complaints of violations of prohibition on inequitable care. Process modeled on Fair Housing Act.
- An aggrieved person may commence a civil action in state or federal district court to obtain appropriate relief for a violation of Section 7 not later than 2 years after the occurrence of the violation and not sooner than the earlier of the completion of the administrative process in subsection (b) or 180 days.
- When the AG has reasonable cause to believe that a person or entity has engaged in a pattern or practice that denies the rights specified in section 7 and that the denial raises an issue of general public importance, the Attorney General may commence a civil action in US district court.
- Provision included to ensure that nothing in the legislation can be construed as repealing or limiting the effect of Title VI of the Civil Rights Act of 1964, Section 1557 of the Patient Protection and Affordable Care Act, Section 504 of the Rehabilitation Act of 1973, or the Age Discrimination Act of 1975.

### **Section 8. Federal Health Equity Commission**

- Implements a 2010 recommendation by the HHS Advisory Commission on Minority Health to create a Federal Health Equity Commission.
- Commission made up of 8 members, no more than 4 of whom may be from the same political party, with recognized expertise in health care, civil rights, and equitable health care.
- Four members appointed by the president, 2 appointed by the Speaker, and 2 appointed by the President pro tem, serving terms of 6 years.
- The commission shall monitor and report on implementation of the Equal Health Care for All Act and on progress towards health equity and reducing health disparities.

### **Section 9. Grants for Hospitals to Promote Equitable Health Care and Outcomes**

- Authorizes grants to hospitals for the purpose of establishing or expanding programs aimed at providing equal health care to all patients and ensuring equitable health care outcomes.
- Hospitals that receive disproportionate share payments shall receive priority for grants under this section.