



ANTHONY G. BROWN, MARYLAND ATTORNEY GENERAL

PRESS RELEASE

FOR IMMEDIATE RELEASE

Media Contacts:
press@oag.state.md.us
410-576-7009

Attorney General Brown Supports Efforts to Undo 2020 Rule that Weakens HealthCare Nondiscrimination Protections

BALTIMORE, MD (March 27, 2024) – Maryland Attorney General Anthony G. Brown today joined a coalition of 19 attorneys general in filing an [amicus brief](#) in *Boston Alliance of Gay, Lesbian, Bisexual and Transgender Youth (BAGLY), et al. v. United States Department of Health and Human Services (HHS), et al.* in support of the plaintiffs’ motion to undo a 2020 federal rule (the Rule) that weakened the nondiscrimination protections provided by Section 1557 of the Affordable Care Act (ACA).

The plaintiffs, a group of civil rights and reproductive health advocacy organizations, challenged the Rule as “arbitrary and capricious” in violation of the Administrative Procedure Act (APA), stressing the serious health and social harms that it imposes on underserved populations. In today’s brief, the coalition emphasizes the importance of the nondiscrimination protections of Section 1557 in ensuring equitable access to healthcare.

“Everyone deserves access to quality, affordable healthcare without fear of discrimination,” said **Attorney General Brown**. “We must ensure all Marylanders, especially those from marginalized and underserved communities, have access to the necessary and vital treatment and care they need.”

Section 1557 of the ACA prohibits all health programs and activities receiving federal financial assistance from discriminating against individuals on the basis of race, color, national origin, sex, age, or disability. On June 19, 2020, a Rule was issued that, among other things, eliminated regulatory prohibitions, previously issued to implement Section 1557, that prevented health insurers from discriminating against vulnerable populations, including LGBTQ+ individuals, individuals with limited English proficiency, and women, as well as other protected classes.

Plaintiffs in *BAGLY v. HHS* filed a lawsuit on July 9, 2020, in the U.S. District Court for the District of Massachusetts, challenging the Rule. The plaintiffs have now filed a motion for summary judgment to completely undo the 2020 Rule.

In today’s brief, the coalition supports plaintiffs’ motion for summary judgment, arguing that the Rule:

- Improperly narrows the entities covered by Section 1557, which limits the protections it provides;
- Improperly removes protections for transgender individuals;

- Exceeds agency authority by expanding “exemptions” to Section 1557’s protections; and
- Fails to consider the harmful impacts of the Rule, such as reduced access to healthcare.

In the brief, the coalition stresses the importance of upholding these federal nondiscrimination protections, as well as the individual and social benefits of ensuring equitable access to healthcare.

In filing the brief, Attorney General Brown joined the attorneys general of California, Colorado, Connecticut, Delaware, the District of Columbia, Hawaii, Illinois, Maine, Massachusetts, Michigan, Minnesota, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, and Washington.

###

<https://www.marylandattorneygeneral.gov/press/2024/032724.pdf>