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Public Health Groups Urge Fifth Circuit Court of Appeals to Prevent Discrimination Against LGBTQ+ Patients

PROTECTIONS FOR LGBTQ+ PATIENTS RECEIVING HEALTH SERVICES ARE AT RISK

January 8, 2024

WASHINGTON, D.C. – January 8, 2024 — Public health groups are urging the U.S. Court of Appeals for the Fifth Circuit to preserve protections in the Affordable Care Act (ACA) for Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ+) patients receiving health care services when it hears oral arguments today in the case of *Neese v. Becerra*.

The case is being appealed after a lower court ruled that section 1557 of the ACA does not prevent discrimination based on sexual orientation and gender identity, but rather only protects individuals based on the sex they were assigned to at birth. If upheld, the far-reaching ruling would severely limit the rights of LGBTQ+ individuals in the delivery of health care services.

The groups, which represent millions of people across the United States with serious and chronic health conditions and disabilities, filed an **amicus brief** (https://www.fightcancer.org/sites/default/files/national_documents/2023-04-03_neese_vs_becerra_amicus_brief.pdf) in April 2023. In the brief, they argued that LGBTQ+ patients already face significant health disparities, and if the lower court ruling is allowed to stand, it would reduce protections for LGBTQ+ individuals against discrimination, which would worsen these disparities and lead to poorer health outcomes.

Following is the groups' joint statement:

“It is vital that the anti-discrimination protections Congress adopted in the ACA remain in place. We strongly urge the Fifth Circuit to reject the U.S. District Court’s ruling, which would roll back anti-discrimination protections for LGBTQ+ people and hinder their ability to access health care quickly and without fear of discrimination. Timely medical care is critical for everyone. Discrimination based on sex, gender identity or sexual orientation has no place in America’s health care system. Such discrimination can be harmful to people with chronic conditions and disabilities, who must frequently rely on health care providers for access to lifesaving treatments.

“LGBTQ+ people bear a disproportionate burden of some chronic illnesses, like cancer, HIV, and heart disease. Eliminating discriminatory barriers to care is critical to achieving better health outcomes for the millions of patients our organizations represent, including LGBTQ+ patients with chronic illnesses and disabilities. When LGBTQ+ people encounter discrimination or mistreatment from health care providers, they can become isolated from the health care system and hesitant to seek health care. LGBTQ+ patients in several surveys have reported avoiding or delaying care because of fears and concerns about discrimination, including a **June 2023 survey** (<https://www.fightcancer.org/releases/survey-lgbtq-cancer-patients-and-survivors-concerned-about-facing-discrimination-health>) of LGBTQ+ cancer patients and survivors. If the lower court ruling is upheld, an already challenging situation will become worse.

“As oral arguments are heard today, we urge the court to keep patients front and center by preserving these protections as intended by the law.”

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The groups include the American Cancer Society, American Cancer Society Cancer Action Network, Cancer Support Community, CancerCare, Crohn's & Colitis Foundation, Cystic Fibrosis Foundation, Epilepsy Foundation, Hemophilia Federation of America, Judge David L. Bazelon Center for Mental Health Law, National LGBT Cancer Network, National Multiple Sclerosis Society, National Patient Advocate Foundation, National Organization for Rare Disorders, The AIDS Institute, The Leukemia & Lymphoma Society, The Susan G. Komen Breast Cancer Foundation, Inc., and WomenHeart: The National Coalition for Women with Heart Disease.

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It is Time to Reduce the Burden of Cancer on Buckeyes (/releases/it-time-reduce-burden-cancer-buckeyes)

As lawmakers dive into the 2024 legislative session, the American Cancer Society Cancer Action Network (ACS CAN) urges legislators to prioritize passing legislation to ease the burden of cancer on Buckeyes.

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Cancer Advocates Urge Court to Protect Patients from Surprise Billing (/releases/cancer-advocates-urge-court-protect-patients-surprise-billing)

Today, the U.S. Court of Appeals for the Second Circuit will hear oral arguments in the case of *Haller v. Health and Human Services (HHS)* and decide whether or not to uphold the U.S. District Court's ruling preserving the No Surprises Act (NSA), legislation that prohibits patients from receiving surprise bills for unexpected out-of-network costs.

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