



BENEFIT NEWS BRIEFS

October 16 Deadline For Covered Entities To Post Section 1557 Notice And “Top 15 Languages” Taglines Nears

HHS Releases List Of The Top 15 Languages Spoken By Individuals With Limited English Proficiency By State

In [Client Bulletin 2016-34](#) we reviewed the nondiscrimination requirements under the [final regulations](#) implementing [Section 1557](#) of the *Affordable Care Act (ACA)*, including the “Notice and Taglines” requirement. Section 1557 prohibits entities that receive federal funds from discrimination on the basis of race, color, national origin, sex, age or disability, including discrimination based on pregnancy, gender identity and sex stereotyping in certain [health programs](#) and [activities](#).

A health plan or entity that receives financial assistance from HHS for health plan operations is a covered entity under Section 1557. For multiemployer health plans, the most common way the plan could become a covered entity for Section 1557 would be the acceptance of federal assistance by HHS through the Medicare Part D program, EGWPs or the use of Medicare Advantage plans for retiree coverage.

By now, possible covered entities should have determined if they are a covered entity. Covered entities are required to post the notice of nondiscrimination and taglines in the top 15 languages spoken by individuals with limited English proficiency in their state.

Under the final Section 1557 regulation at [45 CFR 92.8\(b\) and \(d\)](#), a covered entity must post a Notice concerning Section 1557, as outlined in the regulation, no later than October 16, 2016. In addition to the Notice, covered entities need to provide “taglines” in the top 15 languages spoken by individuals with limited English proficiency in the state(s) covered by the plan. The final Section 1557 regulations contain a [Sample Notice](#) and [sample tagline](#) in English. Foreign language translations are available at:

<http://www.hhs.gov/civil-rights/for-individuals/section-1557/translated-resources/index.html>

HHS has posted the missing piece to its website in a document titled *Estimates of at Least the Top 15 Languages Spoken by Individuals with Limited English Proficiency for the 50 States, the District of Columbia, and the U.S. Territories*. The document lists the top 15 foreign languages spoken by individuals with limited English proficiency in each state, DC and each US territory. It states that covered entities may use this information to implement the tagline requirement of the Section 1557 rule, although nothing in the final rule requires a covered entity to use this particular resource. In addition, HHS also published [nine Frequently Asked Questions \(FAQs\)](#) on these topics.

Numerous other resources and Fact Sheets are available at the HHS Section 1557 webpage located at: <http://www.hhs.gov/civil-rights/for-individuals/section-1557>.

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