

20-1374 CVS PHARMACY, INC. V. DOE

DECISION BELOW: 982 F.3d 1204

LOWER COURT CASE NUMBER: 19-15074

QUESTION PRESENTED:

Section 1557 of the Patient Protection and Affordable Care Act ("ACA") creates a private right of action for discrimination on the basis of race, sex, age, and disability in federally funded health programs and activities. 42

U.S.C. § 18116(a). This private right of action incorporates the "enforcement mechanisms" of other federal antidiscrimination statutes, including the Rehabilitation Act of 1973, 29 U.S.C. § 794, which prohibits disability discrimination. The questions presented are:

1. Whether section 504 of the Rehabilitation Act, and by extension the ACA, provides a disparate-impact cause of action for plaintiffs alleging disability discrimination.

2. If section 504 and the ACA create disparate-impact claims, whether such claims extend to the facially neutral terms and conditions of health insurance plans.

GRANTED LIMITED TO QUESTION 1 PRESENTED BY THE PETITION.

CERT. GRANTED 7/2/2021