

Executive Order 14224: What Does it Mean for Language Access?

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CCHI Webinar
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1

Executive Order 14224

2

2

EO 14224 – Overview

- Issued March 1, 2025
- Declares English the official language of the United States
- Revokes EO 13166
- BUT
 - does **not** require or direct any change in the services provided by any agency
 - agency heads are **not** required to amend, remove or otherwise stop productions of documents, products, or other services prepared or offered in languages other than English
- Rescinds any policy guidance documents pursuant to EO 13166
 - DOJ already rescinded its guidance

“This order recognizes and celebrates the long tradition of multilingual American citizens who have learned English and passed it to their children for generations to come.”

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EO 13166 – Overview

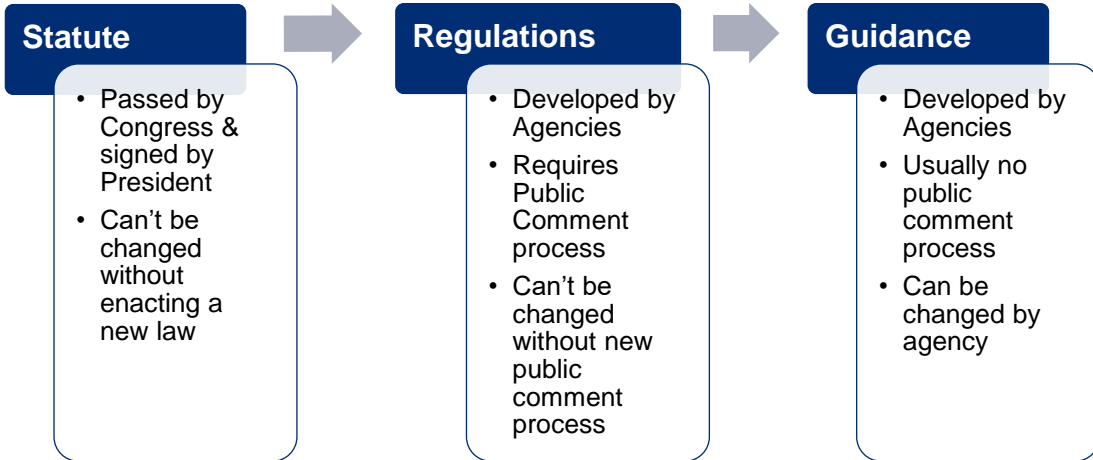
- Issued August 11, 2000
- Reiterated requirements of Title VI
- Applied Title VI to federal agencies themselves
- Issued at same time as original DOJ Guidance
- Required each federal agency to draft Title VI guidance specific to its federal fund recipients

“The Federal Government is committed to improving the accessibility of these services to eligible LEP persons, a goal that reinforces its equally important commitment to promoting programs and activities designed to help individuals learn English.”

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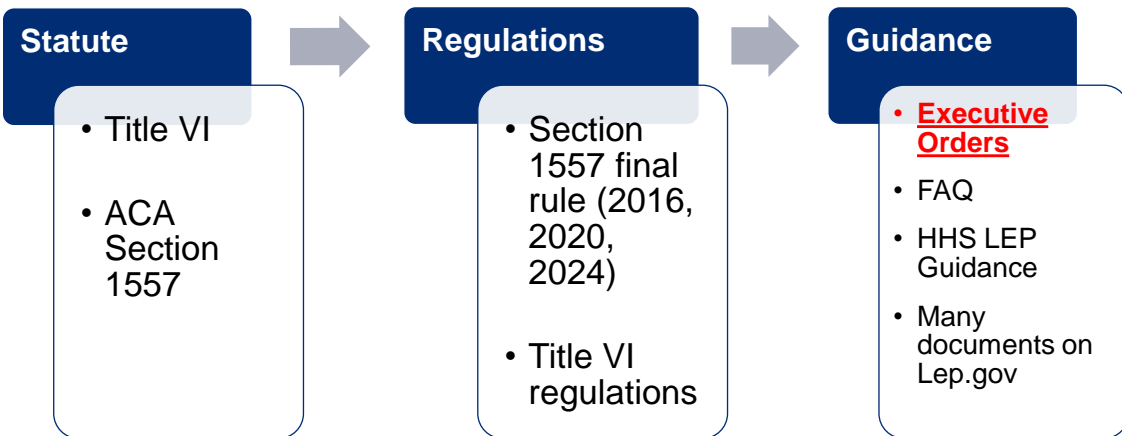
Hierarchy of Law



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Hierarchy of Law



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Background: Title VI & Section 1557

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Title VI of the Civil Rights Act: July 2, 1964



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Title VI of the Civil Rights Act of 1964

- Title VI is where the right to language access started
 - “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” 42 U.S.C. § 2000d
 - “National origin” includes individuals with limited English proficiency (LEP)
- Title VI and its implementing regulations remain in effect

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Affordable Care Act (ACA), March 10, 2010



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Section 1557 of the ACA

- Broad nondiscrimination protection
- Reinforces longstanding protections for race, ethnicity, **national origin**, age & disability
- First time healthcare discrimination is prohibited based on sex including:
 - sexual orientation
 - gender identity, including transgender individuals
 - sex stereotyping
 - sexual characteristics including Intersex traits

12

12

New Final Regulations Implementing Section 1557 (May 6, 2024)

- Changes 2020 final regulations implementing Section 1557
- Defines national origin, individual with limited English proficiency, language assistance services, relay interpretation, companion
- **Language assistance services** may include, but are not limited to:
 - oral language assistance, including interpretation in non-English languages provided in-person or remotely by a qualified interpreter for a limited English proficient individual, **and the use of qualified bilingual or multilingual staff to communicate directly with individuals with limited English proficiency;**
 - written translation, performed by a qualified translator, of written content in paper or electronic form into or from languages other than English; and
 - written notice of availability of language assistance services

Sources: U.S. Dep't of Health & Human Servs., *Nondiscrimination in Health Programs and Activities*, 89 Fed. Reg. 37522 (May 6, 2024), <https://www.federalregister.gov/documents/2024/05/06/2024-08711/nondiscrimination-in-health-programs-and-activities>.

13

13

LEP General Requirement

- Focus is on the **individual** eligible to be served or likely to be directly affected
- A covered entity must take reasonable steps to provide meaningful access to each limited English proficient individual
- In evaluating compliance with ensuring meaningful access, OCR shall:
 - evaluate and give substantial weight to the nature and importance of the health program/activity and the particular communication at issue; and
 - take into account other relevant factors, including the effectiveness of a covered entity's written language access procedures

14

14

Language assistance services requirements

- Free of charge
- Accurate
- Timely
- Protect the privacy & independent decision-making authority of the LEP individual
- Cannot rely on staff other than qualified interpreters, qualified translators, or qualified bilingual/multilingual staff to communicate with individuals with limited English proficiency

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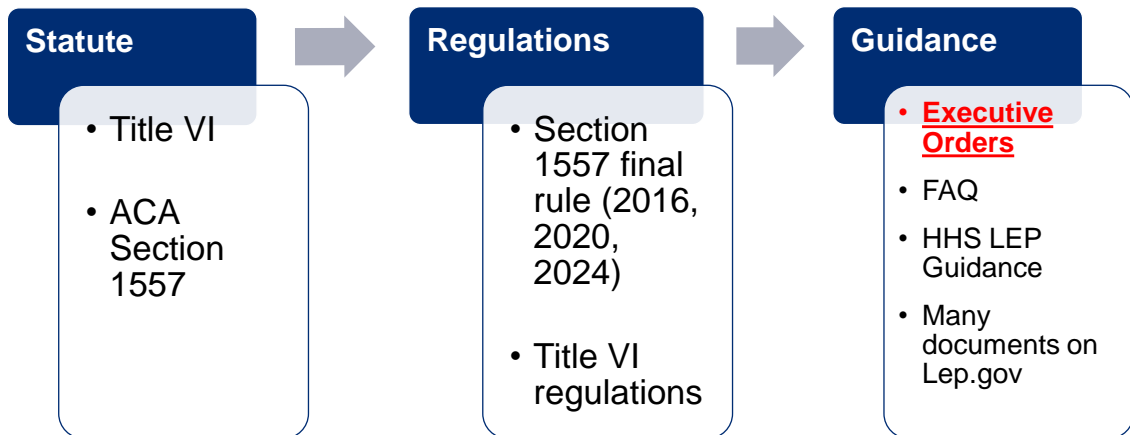
Other requirements

- Notices of Nondiscrimination and Availability of Language Services & Auxiliary Aids and Services
- Language access policies & procedures
- Training of staff
- Prohibitions on use of minors/accompanying adults except in emergencies
- Recognition of intersectionality – prohibition of discrimination on any protected ground (race, ethnicity, national origin, age, sex, disability) plus “any combination thereof”
- Application to Medicare Part B

16

16

Hierarchy of Law



17

17

State Laws

- Check for state nondiscrimination laws & regulations
- Check for state language access laws & regulations
 - [Summary of State Law Requirements Addressing Language Needs in Health Care](#) (2019 update)

18

18

What's Next?

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Outlook for 2025 and Beyond

- Executive Orders **cannot** overturn existing statutes (T. VI, Sec. 1557)
- Executive Orders **cannot** overturn existing regulations
- Executive Orders can rescind prior Executive Orders and guidance (DOJ LEP Guidance)

Despite new Executive Order, Language
Access is Still the Law!

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Outlook for 2025 and Beyond

- Title VI and Section 1557 remain the law
 - Only if Congress passes an amendment or new law would the nondiscrimination requirements change
- Title VI and Section 1557 regulations remain in effect
 - New Administration could propose revisions to regulations
 - Must go through a formal notice-and-comment process, consider comments, issue a final rule
 - Previous changes to Section 1557 regulations were subject to litigation and not all went into effect

21

21

NHeLP Resources

- NHeLP's [website](#)
- [Section 1557 webpage](#)
- [Section 1557 Final Rule analysis](#)
- [Issue Brief on Title VI and Section 1557](#)
- [Medicaid and CHIP Reimbursement Models for Language Services: 2024 Update](#)
- [The High Costs of Language Barriers in Medical Malpractice](#)
- [Despite new Executive Order, Language Access is Still the Law!](#)

22

22

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