



September 11, 2023

Melanie Fontes Rainer
U.S. Department of Health and Human Services
Office for Civil Rights
Attention: HHS Grants Rulemaking (RIN-0945-AA19)
Washington, DC 20201

RE: Health and Human Services Grants Regulation

Dear Director Rainer:

On behalf of the American Speech-Language-Hearing Association (ASHA), I write in response to the Health and Human Services Grants Regulation (HHS Grants Rule) proposed rule.

ASHA is the national professional, scientific, and credentialing association for 228,000 members and affiliates who are audiologists; speech-language pathologists (SLPs); speech, language, and hearing scientists; audiology and speech-language pathology assistants; and students.

ASHA's Code of Ethics states that individuals shall not discriminate in the delivery of professional services or in the conduct of research and scholarly activities on the basis of sex, gender identity/gender expression, or sexual orientation.¹ Therefore, we strongly support the effort to affirm civil rights and equal opportunity for all people in HHS funded programs and services by codifying the Department's interpretation of prohibiting discrimination on the basis of sex to also include discrimination on the basis of sexual orientation and gender identity, which is consistent with *Bostock v. Clayton County*, 140 S. Ct. 1731 (2020).²

ASHA members work in health care and school-based practice settings providing services for individuals with hearing, speech, voice, balance, cognition, and swallowing disorders. SLPs serve within their scope of practice as members of an interprofessional gender-affirming care team. SLPs can help patients safely modify their voice and communication behaviors—including verbal and nonverbal communication, such as vocal pitch, intonation, voice quality, resonance, fluency, articulation, pragmatics, and vocalization (e.g., laughing)—through evidence-based interventions and patient-focused functional goals. According to the 2015 U.S. Transgender Survey, voice treatment is the second most commonly reported medical intervention, behind hair removal, for transgender individuals who are assigned male at birth.³ The proposed protections will help ensure improved access to medically necessary voice treatment for transgender individuals.

ASHA applauds the Office for Civil Rights' efforts in this proposed rule to find the proper balance between the protection of health care providers' religious freedom protections and the rights of patients and communities to have access to necessary care. There is a need to ensure knowledge of, compliance with, and enforcement of federal laws and regulations to

guarantee the promotion and protection of individuals' rights for both service providers and those receiving their services.

Thank you for the opportunity to comment on the HHS Grants Rule. If you or your staff have any questions, please contact Rebecca Bowen, MA, CCC-SLP, PNAP, ASHA's director for health care policy, value & innovation, at rbowen@asha.org.

Sincerely,

A handwritten signature in black ink that reads "Robert M. Augustine". The signature is written in a cursive, flowing style.

Robert M. Augustine, PhD, CCC-SLP
2023 ASHA President

¹ American Speech-Language-Hearing Association (2016). *Code of Ethics*. <https://www.asha.org/policy/et2016-00342/>.

² *Bostock v. Clayton County*. <https://www.law.cornell.edu/supremecourt/text/17-1618>

³ National Center for Transgender Equality. (2015). *U.S. Transgender Survey*.

<http://www.transequality.org/sites/default/files/docs/usts/USTS%20Full%20Report%20-%20FINAL%201.6.17.pdf>.