

CLEVELAND PARTNER INTERVIEWED BY LAW360 ABOUT RECENTLY FILED FEDERAL LAWSUIT STEMMING FROM U.S. SUPREME COURT RULING

News
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In a 6-to-3 decision in *Bostock* on June 15, 2020, the U.S. Supreme Court ruled that workplace discrimination because of an individual's sexual orientation or gender identity — including being transgender — is unlawful discrimination “because of sex” under Title VII of the Civil Rights Act of 1964. The decision left many in the legal community wondering how the ruling might impact the previously issued U.S. Health and Human Services (HHS) final rule under Section 1557 of the Affordable Care Act (ACA) removing nondiscrimination protections for LGBTQ individuals and patients in health care settings.

In an interview with *Law360*, **Jeff Smith** discusses the first federal lawsuit arguing that the Supreme Court's Title VII ruling on June 15th invalidates the previously issued HHS final rule. Jeff explains that the Supreme Court ruling does not automatically impact the recent HHS rule, but it does demonstrate a shift in the legal landscape that may make it harder for HHS to continue to enforce the interpretation in the regulation. Jeff said that “[t]o some degree, the base upon which [HHS] was standing has been taken out from underneath them...that doesn't mean they have to rescind [the regulation], but they're on shakier ground.”

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