

LETTERS

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DOI: 10.1377/hlthaff.2017.1407

Civil Rights Laws: The Authors Reply

William Garner says that we have not explained how selective enforcement would achieve the goal of reduced discrimination. We believe that the effect of such enforcement would be indirect, and that litigation and selective enforcement is likely to be slow, uncertain, and less effective than is commonly believed. We said this in our article (Jun 2017), and that is why the thrust of our article emphasizes solutions outside the law.

Garner then says that we did not explain “how sustained access to low-performing, minority-serving hospitals through selective enforcement is good for anyone, especially the medically marginalized.” We did not explain this because we never said it. In fact, we said

the opposite when we noted that this is the current situation, and it must be remedied. In our article we suggested that the Centers for Medicare and Medicaid Services provide financial assistance “to elevate the performance of the twenty largest minority-serving hospitals.” This is not selective enforcement of civil rights law, it’s a direct way to improve care for the medically marginalized.

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