

Affordable Care Act and Nondiscrimination Rule Compliance Manual

INTRODUCTION

On May 18, 2016, the U.S. Department of Health and Human Services (“HHS”) Office of Civil Rights (“OCR”) issued the Final Rule implementing the prohibition of discrimination under Section 1557 of the Affordable Care Act (ACA) of 2010.

Under Section 1557, individuals are protected from discrimination in healthcare on the basis of race, color, national origin, age, disability, and sex, including discrimination based on pregnancy, gender identity, and sex stereotyping.

Though Section 1557 has been in effect since the enactment of the ACA in 2010 and the HHS Office for Civil Rights (OCR) has been enforcing the provision since it was enacted, the Final Rule explains consumer rights under the law and provides additional clarification on enforcement and administrative remedies. In addition, it further defined who is considered a covered entity and their obligations.

The Final Rule applies to those who provide or administer health-related services or insurance coverage and receive "federal financial assistance," which includes Medicare (except for Part B), Medicare Advantage Plans, Medicaid, Children’s Health Insurance Fund (CHIP) and/or receive meaningful use payments.

Office Policy

This office prohibits any form of discrimination against any person on the basis of race, color, national origin, age, disability, and sex, including discrimination based on pregnancy, gender identity, and sex stereotyping under Section 1557 the Final Rule.

Civil Rights Compliance Officer

This office has a designated compliance officer who is available to any patient who feels they have been discriminated against in any way. The compliance officer must take remedial action if it is found that someone in the practice has discriminated against the patient on the basis of race, color, national origin, sex, age or disability under Section 1557. The compliance officer shall direct such remedial action required to overcome the effects of the discrimination.

Grievance Procedures

This office has grievance procedures that incorporate appropriate due process standards and that provide for the prompt resolution of grievances alleging any action that would be prohibited by Section §1557.

Grievance Procedure:

- Grievances must be submitted to the Section 1557 Coordinator within 60 days of the date the person filing the grievance becomes aware of the alleged discriminatory action.

- A complaint must be in writing, containing the name and address of the person filing it. The complaint must state the problem or action alleged to be discriminatory and the remedy or relief sought.
- The Section 1557 Coordinator/Compliance Officer shall conduct an investigation of the complaint. This investigation may be informal, but it will be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint. The Section 1557 Coordinator will maintain the files and records relating to such grievances. To the extent possible, and in accordance with applicable law, the Section 1557 Coordinator/Compliance Officer will take appropriate steps to preserve the confidentiality of files and records relating to grievances and will share them only with those who have a need to know.
- The Section 1557 Coordinator/Compliance Officer will issue a written decision on the grievance, based on a preponderance of the evidence, no later than 30 days after its filing, including a notice to the complainant of their right to pursue further administrative or legal remedies.
- The person filing the grievance may appeal the decision of the Section 1557 Coordinator/Compliance Officer by writing to the Office Administrator within 15 days of receiving the Section 1557 Coordinator/Compliance Officers decision. The Office Administrator shall issue a written decision in response to the appeal no later than 30 days after its filing.

The availability and use of this grievance procedure does not prevent a person from pursuing other legal or administrative remedies, including filing a complaint of discrimination on the basis of race, color, national origin, sex, age or disability in court or with the U.S. Department of Health and Human Services, Office for Civil Rights. A person can file a complaint of discrimination electronically through the Office for Civil Rights Complaint Portal, which is available at: <https://ocrportal.hhs.gov/ocr/portal/lobby.jsf>, or by mail or phone at:

U.S. Department of Health and Human Services
 200 Independence Avenue, SW
 Room 509F, HHH Building
 Washington, D.C. 20201
 1-800-368-1019, 800-537-7697

Complaint forms are available at: <http://www.hhs.gov/ocr/office/file/index.html>. Such complaints must be filed within 180 days of the date of the alleged discrimination.

The Section 1557 Coordinator/Compliance Officer will be responsible for making appropriate arrangements to ensure that individuals with disabilities and individuals with limited English proficiency are provided auxiliary aids and services or language assistance services, respectively, if needed to participate in this grievance process. Such arrangements may include, but are not limited to, providing qualified interpreters, providing taped cassettes of material for individuals with low vision, or assuring a barrier-free location for the proceedings.

Required Notices to Patients

Our practice takes all appropriate steps to notify patients that the practice does not discriminate on any basis and provides notice to patients that appropriate auxiliary aids and services, that include qualified interpreters for individuals with disabilities free of charge and in a timely manner.

Additionally, our office provides language assistance services, including translated documents and oral interpretation, free of charge and in a timely manner, when such services are necessary to provide meaningful access to individuals with limited English proficiency; how to obtain the language assistance; an identification of, and contact information for, the designated responsible employee.

Required Language Assistance

In accordance with Section 1557, our office provides reasonable language assistance to patients who do not speak English, including translated documents and oral interpretation, free of charge and in a timely manner, when such services are necessary to provide meaningful access to individuals with limited English proficiency.

Taglines in at least the top 15 non-English languages spoken are included in our Notice of Nondiscrimination and Statement of Nondiscrimination on important publications, to alert non-English speaking patients that the publication is available in the patient's language.

Required Translators

This practice takes all reasonable steps to provide meaningful healthcare access to each patient with Limited English Proficiency at no charge to our patients when a staff cannot provide proficient communication with patient and does not require our patient to provide a translator. However, the practice may rely on an adult or an adult family member that the patient brings to the practice to provide translation, if they are considered qualified under Section 1557.

Required Accessible Facilities

This practice takes all reasonable steps to provide accessibility to patients with age or physical disabilities.

Enforcement of §1557 Compliance

The HHS Office of Civil Rights is authorized to investigate non-compliance with or complaints of discrimination and is required to notify an offender and suspend, terminate or refuse to continue federal funding to any organization that does not address noncompliance. In addition, any staff member who violates any office policy regarding Section 1557, The rule, will be subject to administrative disciplinary action up to and including termination of employment.

COMPLIANCE TRAINING LOG

Compliance Policy & Procedure Training Subject:

Affordable Care Act and Nondiscrimination Rule

(See Attached Training)

By Signing This Document You Are legally Attesting That You Have Received Training In The Above Compliance Policy And Procedures, That You Understand This Office's Compliance Policy Regarding The Above Training, And That You Recognize Your Ethical Responsibility To Comply With Office Compliance Policy and Procedures.

PRINT NAME	SIGNATURE	DATE	TIME

The Compliance Officer Will Place a Copy Of Training And Attendance Sheet In The Office Compliance Manual.

Compliance Officer: _____

Signature: _____

Print NAME

Training Date: ___/___/___