

NONDISCRIMINATION

POLICY: The organization complies with applicable federal civil rights laws and does not discriminate on the basis of race, color, national origin, age, marital status, disability, sexual orientation, gender identity, political affiliation or ability to pay from participation in, denied benefits of, or otherwise subjected to discrimination from the provision of any care or service.

The organization will comply with the following and their applied regulations:

- Title VII of the Civil Rights Act of 1964;
- Civil Rights Act of 1991;
- Section 504 of the Rehabilitation Act of 1973;
- Age Discrimination Act of 1967;
- Equal Pay Act of 1963;
- Section 1557 of the Patient Protection and Affordable Care Act – **effective July 5, 2024.**

PURPOSE: To comply with State and Federal regulations regarding non-discrimination of applicants, employees and/or patients.

PERSONNEL: All personnel

DEFINITION:

“On the basis of sex”: includes, but is not limited to, discrimination on the basis of pregnancy, false pregnancy, termination of pregnancy, or recovery therefrom, childbirth or related medical conditions, sex stereotypes, sex characteristics, including intersex traits.

PROCEDURE:

Nondiscrimination Standards

- I. Prohibition of Discrimination - General Prohibition: The agency shall not discriminate on the basis of race, color, national origin, sex, age, or disability in any health program or activity, including but not limited to admissions, provision of services, and treatment decisions.
- II. LGBTQI+ Protections: The agency affirms protections against discrimination based on sexual orientation and gender identity, consistent with the U.S. Supreme Court's decision in *Bostock v. Clayton County*.
- III. Language assistance services and auxiliary aids must be provided to individuals with limited English proficiency (LEP) annually and upon request in written and electronic communications. Notices about the availability of these services must be provided in English and in the 15 most common languages spoken by LEP individuals in the State(s) served, within one year of the effective date.

Staff Training and Policies

- I. The agency shall implement policies and procedures to ensure compliance with Section 1557, within one year of effective date.
- II. This includes policies for providing language assistance services, ensuring effective communication for individuals with disabilities, reasonable accommodations and addressing grievance/complaint procedures (grievance procedure applies to agencies with 15 or more employees).
- III. All staff members shall receive training on Section 1557 policies and procedures upon

MAC Legacy Policies & Procedures

hire and annually thereafter, effective one year of effective date. Training shall include information on nondiscrimination, language assistance services, handling of discrimination complaints, and cultural competency.

Accessibility and Telehealth Services

- I. The agency shall ensure that telehealth services provided are accessible to individuals with disabilities and provide meaningful access to people with LEP.

Patient Care Decision Support Tools

- I. The agency shall identify and mitigate discrimination risks in patient care decision support tools based on race, color, national origin, sex, age, or disability, within 300 days of effective date.

Compliance and Monitoring

- I. For agencies with 15 or more employees, Administrator, or designee, will serve as the coordinator, designated within 120 days of effective date, and monitor compliance with Section 1557 requirements on an ongoing basis.

Implementation

- I. Notices about nondiscrimination policies, language assistance services, and accessibility shall be prominently displayed in physical locations and on the agency's website.
- II. A notice of nondiscrimination that contains specific information that is provided to patients annually and upon request. The notice must also be posted on the provider's website, compliance is required within 120 days of effective date.

Complaint Procedures

- I. Patients or parties who believe they have been discriminated against can file a complaint through the Office for Civil Rights (OCR) complaint portal.
- II. Employees who witness or are aware of potential discrimination must report it promptly to designated compliance officers.

Coordination with Contractors and Vendors

- I. Contractors and vendors providing services to the agency must adhere to Section 1557 requirements as specified in their contracts.

Payor Source

- I. Recipients of Medicare Part B funds, and no other Federal financial assistance, within one year of effective date.
- II. For health insurance coverage or other health-related coverage that was previously subject to Section 1557, by the first day of the first plan year beginning on or after January 1, 2025

Review and Updates

- I. This policy shall be reviewed annually to ensure compliance with current laws and regulations.
- II. Updates to this policy shall be made promptly following changes to Section 1557 regulations or related laws.

SAMPLE Discrimination is Against the Law

[Name of covered entity] complies with applicable Federal civil rights laws and does not discriminate on the basis of race, color, national origin, age, disability, or sex. [Name of covered entity] does not exclude people or treat them differently because of race, color, national origin, age, disability, or sex.

[Name of covered entity]:

- Provides free aids and services to people with disabilities to communicate effectively with us, such as:
 - Qualified sign language interpreters
 - Written information in other formats (large print, audio, accessible electronic formats, other formats)
- Provides free language services to people whose primary language is not English, such as:
 - Qualified interpreters
 - Information written in other languages

If you need these services, contact [Name of Civil Rights Coordinator]

If you believe that [Name of covered entity] has failed to provide these services or discriminated in another way on the basis of race, color, national origin, age, disability, or sex, you can file a grievance with: [Name and Title of Civil Rights Coordinator], [Mailing Address], [Telephone number], [TTY number—if covered entity has one], [Fax], [Email]. You can file a grievance in person or by mail, fax, or email. If you need help filing a grievance, [Name and Title of Civil Rights Coordinator] is available to help you. You can also file a civil rights complaint with the U.S. Department of Health and Human Services, Office for Civil Rights, electronically through the Office for Civil Rights Complaint Portal, 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 (TDD).

Complaint forms are available at <http://www.hhs.gov/ocr/office/file/index.html>