

# DISCRIMINATION IS AGAINST THE LAW

Conway OBGYN Clinic complies with applicable Federal Civil Rights laws and does not discriminate based on race, color, national origin, age, disability or sex. Conway OBGYN Clinic does not exclude people or treat them differently because of race, color, national origin, age, disability, or sex.

Conway OBGYN Clinic 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)

Conway OBGYN Clinic provides free language services to people whose primary language is not English, such as:

- Qualified interpreters
- Information written in other languages

If you need services, contact the Practice Civil Rights Coordinator.

If you believe that Conway OBGYN Clinic has failed to provide these services or discriminated in another way on basis of race, color, national origin, age, disability, or sex, you can file a grievance with:

Practice Civil Rights Coordinator      2180 Ada Avenue, Suite 300 Conway, AR 72034

Office: (501) 327-6547    Fax#: (501) 327-9715    Email: [cpoland@conwayobgyn.com](mailto:cpoland@conwayobgyn.com)

You can file a grievance in person, by mail, fax, or email. If you need help filing a grievance, the Practice Civil Rights Coordinator is available to help you. You can 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 at <https://ocrportal.hhs.gov/ocr/portal/lobby.jsf>
- By mail at: U.S. Department of Health and Human Services  
200 Independence Ave. SW  
Room 509F HHH Building  
Washington, DC 20201
- By phone at 1-800-368-1019 or 1-800-537-7697 (TDD)

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

## New Section 1557 Nondiscrimination HHS Regulations

by Justin N. Joy, JD, MBA, CIPP/US

### Are you in compliance with all of the new requirements yet?

As mentioned in the August 2016 edition of the Sentinel, new federal regulations are now in effect pertaining to nondiscrimination in healthcare. For the majority of providers, these rules require steps be taken such as implementing policies, posting required notices and offering language interpretation services. Considerable media attention has been given to these new rules so patients—and regulators—are likely to expect prompt compliance.

Many providers are accustomed to nondiscrimination obligations in the employment context. Section 1557 of the Affordable Care Act extends these obligations to the provision of healthcare. This is the first federal civil rights law exclusively focusing on nondiscrimination in healthcare. Specifically, Section 1557 prohibits discrimination on the basis of race, color, national origin, sex, age, or disability in covered health programs and activities. The regulations implementing Section 1557 were published on May 18, 2016. With few exceptions, the regulations apply to the provision of all healthcare-related activities by entities covered by the rules.

Section 1557 applies to any provider receiving federal financial assistance (“FFA”) from the Department of Health and Human Services (“HHS”), such as Medicaid and Medicare Parts A, C and D as well as grants and credits from HHS such as meaningful use payments. While care reimbursed by Medicare Part B is outside of HHS Office for Civil Rights’ (“OCR”) enforcement of the Section 1557 regulations, providers receiving other forms of HHS payments are subject to the law. As a practical matter, very few providers are not subject to the Section 1557 regulations.

A number of Section 1557 regulations became effective on

July 18, 2016, and covered providers must take several steps to comply with these new requirements. Besides existing civil rights related-certifications, a provider applying for FFA must now also provide assurances to HHS that it complies with Section 1557 and the implementing regulations. For providers with 15 or more employees, at least one employee must be designated to coordinate the entity’s Section 1557 compliance efforts and responsibilities. Included in these responsibilities are investigations of any grievance alleging discrimination. A provider with 15 or more employees must also adopt grievance procedures, affording due process to the complainant and providing a prompt and equitable resolution.

Beginning October 17, 2016, all entities covered by the Section 1557 regulations must post a nondiscrimination notice containing the seven required elements including how to obtain language interpretation services offered by the provider, how to file a grievance with the provider, and how to file a discrimination complaint with OCR. This notice must be posted in conspicuous physical locations and a link to the notice, accessible from the entity’s website, must be conspicuous on the provider’s homepage. The content of this notice may be combined with the content of other notices if the combined notice clearly informs individuals of their Section 1557 related rights.

Also beginning on October 17, 2016, in all “significant publications and significant communications,” providers must post the required nondiscrimination notice as well as specified taglines in at least the top 15 languages spoken by individuals with limited English proficiency in the provider’s state. The term “significant publications and significant communications,”