

Audubon County Memorial Hospital & Clinics

Policy: **Section 1557 Compliance**

Effective Date: **07/2019**

Reviewed:

Review Cycle: **Annual**

Department: **Integrity and Compliance Program**

Approved by PAC: **07/2019**

Revised:

CoP Tag:

PURPOSE:

Audubon County Memorial Hospital & Clinics is committed to complying with the Section 1557 nondiscrimination provision of the Affordable Care Act (ACA). This policy attempts to address the application of the 1557 regulations to Audubon County Memorial Hospital & Clinics and ensure compliance.

POLICY:

1. Section 1557 is the nondiscrimination provision of the Affordable Care Act (ACA). The law prohibits discrimination on the basis of race, color, national origin, sex, age, or disability in certain health programs or activities. Section 1557 builds on long-standing and familiar Federal civil rights laws: Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975.
2. It is the policy of Audubon County Memorial Hospital & Clinics not to discriminate, exclude, or treat people differently on the basis of race, color, national origin, age, disability, religion, sex, sexual orientation, or gender identity. Audubon County Memorial Hospital & Clinics has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Section 1557 of the Affordable Care Act (42 U.S.C. § 18116) and its implementing regulations at 45 C.F.R. pt. 92, issued by the U.S. Department of Health and Human Services.
3. Section 1557 and its implementing regulations may be examined in the office of Kolton Hewlett, Compliance Officer, Administration, 515 Pacific Avenue, Audubon, IA 50025, 712-563-5293, hewlettk@acmhosp.org, who has been designated to coordinate the efforts of Audubon County Memorial Hospital & Clinics to comply with Section 1557.
4. Audubon County Memorial Hospital & Clinics will post a "Nondiscrimination/Accessibility Notice," which shall outline the nondiscrimination policy and provide information on grievance procedures. The notice will include taglines for the top 15 non-English languages spoken in the area. The notice will be in the following locations:
 - a. Posted outside of the Business Office and in the Med-Surg/ED area.
 - b. On the Audubon County Memorial Hospital & Clinics website.
 - c. In significant publications and communications, as required.
5. Audubon County Memorial Hospital & Clinics will not segregate, delay, or deny services or benefits based on an individual's race, color, or national origin.
6. Audubon County Memorial Hospital & Clinics will take reasonable steps to provide meaningful access to each individual with Limited English Proficiency (LEP), which is outlined in the Administration policy "Interpreter Services and Communication Assistance."
 - a. Audubon County Memorial Hospital will effectively communicate with its patients in a primary language the patient understands. Written information will be provided to patients of the predominant population group served by the medical center and, as needed, with persons with impaired hearing or speaking skills. The languages of the predominant population's groups are English and Spanish. Interpreter services may be provided by LanguageLine, which is the organization's Interpreter Service. Communication needs of persons with visual and manual impairments will also be addressed.
 - b. Audubon County Memorial Hospital & Clinics will make 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.

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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.

7. Audubon County Memorial Hospital & Clinics will provide equal access to health care, health insurance coverage, and other health programs without discrimination based on sex, including pregnancy, gender identity, or sex stereotypes.
8. Audubon County Memorial Hospital & Clinics will treat individuals consistent with their gender identity, including with respect to access to facilities, such as bathrooms and patient rooms.
9. Audubon County Memorial Hospital & Clinics will not exclude, deny, or limit services based on an individual's age.
 - a. Audubon County Memorial Hospital & Clinics may base its actions on age when it is a factor necessary to the normal operation, or achievement of a statutory objective of a program. Therefore, this standard does not apply to any age distinction that is authorized under federal, state, or local law.
 - b. Audubon County Memorial Hospital & Clinics may also provide different treatment based on age when the treatment is justified by scientific or medical evidence (e.g., a physician may decide to deny a mammogram to a woman under a certain age because recent medical studies have suggested that mammograms may be more harmful than helpful to young women), or based on a specialty (e.g., pediatricians are not required to treat adults and gerontologists not required to treat children).
10. Audubon County Memorial Hospital & Clinics will ensure newly constructed and altered facilities are physically accessible to individuals with disabilities.
11. Audubon County Memorial Hospital & Clinics will provide staff training related to this policy, 1557 compliance, and the Nondiscrimination/Accessibility Notice.
12. Audubon County Memorial Hospital & Clinics will include a tagline on all financial statements informing individuals with limited English proficiency of language assistance services:
 - a. **ATENCIÓN:** si habla español, tiene a su disposición servicios gratuitos de asistencia lingüística. Llame al 1-712-563-2611.
13. Any person who believes someone has been subjected to discrimination on the basis of race, color, national origin, sex, age or disability may file a grievance under this procedure. It is against the law for Audubon County Memorial Hospital & Clinics to retaliate against anyone who opposes discrimination, files a grievance, or participates in the investigation of a grievance.
 - a. Grievances must be submitted to the Compliance Officer within (60 days) of the date the person filing the grievance becomes aware of the alleged discriminatory action.

Kolton Hewlett, Compliance Officer
515 Pacific Avenue
Audubon, Iowa 50025
Phone: 712-563-5293
Fax: 712-563-5277
Email: hewlett@acmhosp.org

- b. 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.
- c. The Compliance Officer (or her/his designee) 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 Compliance Officer will maintain the files and records of Audubon County Memorial Hospital & Clinics relating to such grievances. To the extent possible, and in

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accordance with applicable law, the 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.

- d. The 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.
- e. The person filing the grievance may appeal the decision of the Compliance Officer by writing to the Chief Executive Officer within 15 days of receiving the Compliance Officer's decision. The Chief Executive Officer shall issue a written decision in response to the appeal no later than 30 days after its filing.
- f. 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,
1-800-537-7697 (TDD)

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.

APPROVALS:

Per CMS regulations and Audubon County Memorial Hospital & Clinics policies, all policies and procedures must be developed, executed, and reviewed by the CAH Professional Advisory Committee (PAC) annually. All Compliance policies must also be approved by the Board of Trustees.

Compliance Officer	07/10/2019
Chief Executive Officer	07/10/2019
Compliance Committee	07/10/2019
Professional Advisory Committee	07/16/2019
Board of Trustees	07/23/2019