



NON-DISCRIMINATION OF PATIENTS

I. DEPARTMENT:

Hospital-Wide.

II. PURPOSE:

The purpose of this policy is to affirm the commitment of Nashville General Hospital at Meharry (NGH) to equally treat and respect all patients.

NGH complies with applicable federal civil rights laws and does not discriminate on the basis of race, color, national origin, age, disability, sex, sexual orientation, or gender identity. NGH complies with the provisions of Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.), Section 1557 of the Patient Protection and Affordable Care Act of 2010 (ACA) (42 U.S.C. § 18116 (to be codified 45 C.F.R. § 92)), Section 504 of the Rehabilitation Act (29 U.S.C. § 701 et seq.), the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-6107), regulations of the United States Department of Health and Human Services as provided in Title 45 of the Code of Federal Regulations Parts 80, 84, and 91, and all relevant Tennessee and federal law.

III. POLICY:

As an organization, NGH has the responsibility of informing patients of our commitment to non-discrimination, the availability of language assistance services, and how to file a complaint if a patient feels that we are not in compliance with that commitment.

It is the policy of NGH not to exclude, deny benefits to, or otherwise discriminate against any person on the basis of race, color, age, religion, national origin, ancestry, sex, sexual orientation, gender identity, mental or physical disability, health condition/diagnosis, political affiliation, immigration status, source of income, marital status, veteran status, and/or any other basis addressed by law.

IV. PROCEDURE:

- A. NGH has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Section 1557 of the ACA and its implementing regulations at 45 C.F.R. § 92, issued by the United States Department of Health and Human Services. Section 1557 prohibits discrimination on the basis of race, color, national origin, sex, age or disability in certain health programs and activities.
- B. Section 1557 and its implementing regulations may be examined in the office of Julie Groves, Chief Compliance Officer, 1818 Albion Street, Nashville, TN 37208, Telephone



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number: (615) 341-4421, TTY number: 1-800-848-0298, Fax: (615) 341-4122, Email: Julie.Groves@NashvilleHA.org, who has been designated to coordinate the efforts of NGH to comply with Section 1557.

- C. In accordance with Section 1557 of the ACA, discrimination will not occur in any manner including admission to, participation in, or receipt of the services and benefits under any NGH programs and/or activities, and in employee assignments to patients, whether carried out by NGH directly or through a contractor or any other entity with which NGH arranges to carry out its programs and/or activities.
- D. NGH provides a non-discrimination notice to all patients by way of postings throughout the hospital. This notice is available in English and Spanish. A brief statement on how to obtain language assistance in the top fifteen languages in Tennessee is also provided by way of postings throughout the hospital.
- E. No employee, contractor, or vendor shall engage in any behavior or activity that is or could be perceived as discriminatory. Any employee violating this policy may face disciplinary action up to and including termination of employment. Any contractor or vendor violating this policy may face termination of the contract or nullification of the business agreement.
- F. NGH provides regular training to employees and managers regarding non-discrimination. It is the responsibility of all workforce members and members of the Board of Directors to comply with this policy and to report any known or suspected discrimination. The Compliance Officer ensures compliance with this policy and related laws and regulations, including Section 1557 compliance and investigation of related complaints.
- G. Any person who believes someone has been subjected to discrimination on the basis of race, color, national origin, age, disability, sex, sexual orientation, or gender identity may file a grievance under this procedure, which is outlined below. It is against the law for NGH to retaliate against anyone who opposes discrimination, files a grievance, or participates in the investigation of a grievance.
- H. Grievance Procedure:
 1. Grievances must be submitted to the Compliance Officer within sixty (60) days of the date the person filing the grievance becomes aware of the alleged discriminatory action.
 2. 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.
 3. 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 NGH relating to such grievances. To the extent possible, and in 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.



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4. The Compliance Officer will issue a written decision on the grievance, based on the preponderance of the evidence or the standard of evidence requiring that the fact is more probable than not, no later than thirty (30) days after its filing, including a notice to the complainant of their right to pursue further administrative or legal remedies.
 5. The person filing the grievance may appeal the decision of the Compliance Officer by writing to the Chief Executive Officer within fifteen (15) days of receiving the Compliance Officer's decision.
 6. The Chief Executive Officer shall issue a written decision in response to the appeal no later than thirty (30) days after its filing.
- I. 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, age, disability, sex, sexual orientation, or gender identity in court or with the United States Department of Health and Human Services, Office for Civil Rights (OCR). A person can file a complaint of discrimination electronically through the Office for Civil Rights Complaint Portal, which 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, Toll-free number: 1-800-368-1019, TDD toll-free number: 1-800-537-7697. Complaint forms are available at: <http://www.hhs.gov/ocr/office/file/index.html>. Such complaints must be filed within one hundred and eighty (180) days of the date of the alleged discrimination.
- J. NGH must make appropriate arrangements to ensure that individuals with disabilities and individuals with limited English proficiency are provided with 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 tape cassettes of material for individuals with low vision, or assuring barrier-free location for the proceedings. The Compliance Officer will be responsible for such arrangements.
- K. Patients are welcome to contact the OCR directly, especially if they are unsatisfied with the resolution to any discrimination complaint/grievance. Complaints may be submitted in any of the following ways:
1. Online via the OCR Complaint Portal;
 2. Emailing the complaint to OCRcomplaints@hhs.gov;
 3. Calling the OCR at 1-800-368-1019 or the TTD number at 1-800-537-7697;
 4. Faxing the complaint to (202) 619-3818; or
 5. Mailing the complaint to the OCR at the following address: U.S. Department of Health and Human Services, 200 Independence Avenue, SW, Room 509F, HHH Building, Washington, D.C. 20201.



V. REFERENCE:

- A. Nashville General Hospital Policy: Communication Resources for Patients with Limited English Proficiency and/or Hearing/Visual/Cognitive Impairments
- B. Virginia Garcia Memorial Health Center "Non-Discrimination of Patients" Policy.
- C. Section 1557 of the Patient Protection and Affordable Care Act: Nondiscrimination in Health Programs and Activities, 81 Fed. Reg. 31375 (May 18, 2016) (to be codified in 45 C.F.R. § 92).
- D. Title VI of the Civil Rights Act of 1964: 42 U.S.C. § 2000d et seq.
- E. Section 504 of the Rehabilitation Act: 29 U.S.C. § 701 et seq.
- F. Age Discrimination Act of 1975: 42 U.S.C. §§ 6101-6107.
- G. Regulations of the United States Department of Health and Human Services as provided in Title 45 of the Code of Federal Regulations Parts 80, 84, and 91.
- H. United States Department of Health & Human Services, Office for Civil Rights, <https://www.hhs.gov/ocr/> (last visited Dec. 28, 2016).
- I. United States Department of Health & Human Services, Civil Rights, "Section 1557 of the Patient Protection and Affordable Care Act," <https://www.hhs.gov/civil-rights/for-individuals/section-1557/> (last visited Dec. 27, 2016).
- J. United States Department of Health & Human Services, Civil Rights, "Example of a Grievance Procedure that Incorporates Due Process Standards," <https://www.hhs.gov/civil-rights/for-providers/clearance-medicare-providers/example-grievance-procedure/> (last visited Dec. 27, 2016).
- K. United States Department of Health & Human Services, Civil Rights, "Translated Resources for Covered Entities," <https://www.hhs.gov/civil-rights/for-individuals/section-1557/translated-resources/index.html?language=es> (last visited Dec. 28, 2016).