

Facility Name(s): Pediatric Family Center & St. Nicholas Pediatrics Policy /
Procedure: MW COMPL Non-discrimination Policy, Grievance Procedure Required by
Section

504 of the Rehabilitation Act of 1973 and Section 1557 of the
Affordable Care Act Approved by: SVP Chief Compliance Officer Date: 01/22/2019

I.

Policy:

Pediatric Family Center & St. Nicholas Pediatrics and its subsidiaries in the singular or as a group, (collectively, "Pediatric Family Center & St. Nicholas Pediatrics") shall not discriminate on the basis of race, color, national origin, sex, religion, age, disability, sexual orientation, gender identity or inability to pay.

II.

Purpose:

The purpose of this policy is to adopt an internal grievance procedure providing for prompt and equitable resolution of complaints which allege that Pediatric Family Center & St. Nicholas Pediatrics has acted in a manner prohibited by the U.S. Department of Health and Human Services regulations (45 CFR Part 84 and 45 CFR Part 92) or other applicable regulation prohibiting discrimination in health care. Section 504 of the Rehabilitation Act of 1973 states in part that, "*no otherwise qualified disabled individual...shall solely by reason of his/her handicap, be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving Federal financial assistance...*" Section 1557 of the Affordable Care Act states in part that, "*an individual shall not, on the ground prohibited under title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, or section 504 of the Rehabilitation Act of 1973, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any health program or activity, any part of which is receiving Federal financial assistance...*"

It is against the law for Pediatric Family Center & St. Nicholas Pediatrics to retaliate against anyone who opposes discrimination, files a grievance, or participates in the investigation of a grievance.

III.

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Pediatric Family Center & St. Nicholas Pediatrics and its subsidiaries.

IV. Definitions

A. **Administrator:** For each Pediatric Family Center & St. Nicholas Pediatrics, the highest ranking administrative official. B. **Section 504:** The applicable section under the Rehabilitation Act of 1973 to which this policy pertains. C. **Section 1557:** The applicable section under the Affordable Care Act to which this policy pertains.

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D. **Section 504/1557 Coordinator:** Pediatric Family Center & St. Nicholas Pediatrics has designated the Pediatric Family Center & St. Nicholas Pediatrics Chief Compliance

Officer as the Section 504 Coordinator for Pediatric Family Center & St. Nicholas Pediatrics. For complaints filed, the Section 504/1557 Coordinator designates, as applicable, the Director and/or Manager of Human Resources or the Director and/or Manager of Quality, or another appropriate Pediatric Family Center & St. Nicholas Pediatrics leader as determined by the facility Administrator, at each subsidiary facility to complete the procedures outlined in this policy. Note: the facility Administrator may not designate themselves as the Section 504/1557 Coordinator.

V. Procedures for Implementation

A. Any person, whether a Pediatric Family Center & St. Nicholas Pediatrics co-worker or Pediatric Family Center & St. Nicholas Pediatrics patient or other person, who believes

someone has been subjected to discrimination on the basis of race, color, national origin, sex, age, disability and in ability to pay may file a grievance under this procedure. Grievances must be filed with the Section 504/1557 Coordinator (or his/her

designee) within 60 days of the date the person filing the grievance becomes aware of the alleged discriminatory action.

1. Pediatric Family Center & St. Nicholas Pediatrics will make appropriate arrangements to ensure that disabled persons and individuals with limited English proficiency are provided other accommodations if needed to participate in this grievance process. Such arrangements may include, but are not limited to, providing qualified interpreters for the hearing-impaired and individuals with limited English proficiency, providing audio material for the blind or assuring a barrier-free location for the proceedings.
2. The Section 504/1557 Coordinator (or his/her designee) must document the complaint which should contain the name and address of the person filing it. The complaint must also state the problem or action alleged to be discriminatory and the remedy or relief sought.
3. The Section 504/1557 Coordinator (or his/her designee), shall conduct an investigation of the complaint. The investigation may be informal, but it must be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint. The Human Resources Department will maintain the files and records of all Pediatric Family Center & St. Nicholas Pediatrics employment-related complaints. The department designated by the Administrator at each subsidiary facility to conduct the investigation will maintain the files and records of the subsidiary facility for all other grievances. To the extent possible, and in accordance with applicable law, these departments will take appropriate steps to preserve the confidentiality of files and records relating to complaints and will share them only with those who have a need to know.
4. The Section 504/1557 Coordinator (or his/her designee) will issue a written decision regarding the grievance no later than 30 days after its filing, including a notice to the complainant of their right to pursue further administrative or legal remedies.

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5. The person filing the grievance may appeal the decision by writing to the Administrator of the subsidiary facility within 15 days of receiving the decision.
6. The Administrator of the affected subsidiary facility shall issue a written decision in response to the appeal no later than 30 days after its filing.

7. 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, disability and inability to pay 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
(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.

VI. Related Policies and References

Section 504 of the Rehabilitation Act of 1973: 45 CFR
Part 84

Section 1557 of the Affordable Care Act: 45 CFR
Part 92

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Title VI of the Civil Rights Act of 1964: 45 CFR
Part 80

Age Discrimination Act: 45 CFR
Part 91

Title IX of the Education Amendments of 1972: 34 CFR
Part 106

MW COMP POL – Transgender Patient
Procedure

NHSC Site Reference
Guide