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**Applicability:** Providence Health & Services Systemwide

## Nondiscrimination Policy, PROV-ICP-729

<b>Subject:</b> Nondiscrimination Policy and Grievance Procedure for Individuals Accessing Any Providence Health Program and/or Activity	<b>Policy Number:</b> PROV-ICP-729	
<b>Department:</b> Enterprise Risk Management Services	New Revised Reviewed	<b>Date:</b> 07/18/2016
<b>Executive Sponsor:</b> VP, Compliance and Information Security	<b>Policy Owner:</b> VP, Risk, Claims and Insurance	
<b>Approved by:</b> Michael Butler - President of Operations, Chief Executive, PH&S	<b>Implementation Date:</b> 07/18/2016	

**Scope:** This policy applies to Providence Health & Services and its Affiliates<sup>1</sup> (collectively known as "Providence") and their caregivers (employees); employees of affiliated organizations; members of System, community ministry and foundation boards; volunteers; trainees; independent contractors; and others under the direct control of Providence (collectively referred to as workforce members), with respect to their involvement in the provision of health program and/or activities offered by Providence. This policy does not apply to nondiscrimination in employment or in the provision of employee benefits by Providence, or in the provision of coverage through Providence Health Plan, which are covered by other policies (see end of Reference section below). This is a management level policy approved by Leadership Council and signed by the President of Operations, Chief Executive for Providence.

**Purpose:** To establish Providence's System-level policy and procedures prohibiting discrimination against individuals accessing any Health Program and/or Activity (defined below) provided by Providence, designating caregivers responsible for implementation and monitoring of this policy, and establishing the internal grievance procedure for complaints alleging discrimination related to a Providence Health Program or Activity.

In addition to this policy, Providence is committed to nondiscrimination in employment and in the provision of benefits to caregivers of Providence, and in the provision of coverage through Providence Health Plan. These commitments are more fully outlined in Providence's applicable Human Resources policies and benefit plan documents, or in the applicable Providence Health Plan policies. This policy is not intended to replace, substitute or modify: (1) Providence's and Affiliates' policies that prohibit discrimination in employment and provide for an internal grievance procedure for employment-related disputes; (2) any grievance procedure set forth in the applicable summary plan description for individuals participating in a Providence benefit plan; or (3) Providence Health Plan's policies governing nondiscrimination and associated grievance procedures in its

health-related insurance activities. For information on the latter policies and grievance procedures, please see links provided at the end of the Reference section below.

**Definitions:** For purposes of applying this policy, the following definitions apply:


1. Caregiver: Refers to all employees of Providence.
2. *Disability or Handicap:*
  - a. **In States Other than Washington:** Means with respect to an individual, a physical or mental impairment that, in Alaska, Montana, and Oregon *substantially limits*, or in California *limits*, one or more major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment, as defined in 42 U.S.C. 12102, as amended;
  - b. **In Washington:** Means the presence of a sensory, mental, or physical impairment<sup>2</sup> that: (i) is medically cognizable or diagnosable; or (ii) exists as a record or history; or (iii) is perceived to exist whether or not it exists in fact. Disability exists whether it is temporary or permanent, common or uncommon, mitigated or unmitigated, or whether or not it limits the ability to work generally or work at a particular job or whether or not it limits any other activity within the scope of RCW Ch. 49.60.
3. *Discrimination 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, gender or sex stereotyping, and gender identity.
4. *Gender Identity:* Means an individual's internal sense of gender, which may be male, female, neither, or a combination of male and female, and which may be different from an individual's sex assigned at birth. The way an individual expresses gender identity is frequently called "gender expression," and may or may not conform to social stereotypes associated with a particular sex or gender. Stereotypical notions of sex or gender include notions of masculinity or femininity, including expectations of how individuals represent or communicate their gender to others via behavior, clothing, hairstyles, activities, voice, mannerisms or otherwise, and include gendered expectations related to the appropriate roles of a certain gender.
5. *Health Program or Activity:* Means the provision or administration of health-related services, and provision of assistance to individuals in obtaining health-related services or insurance coverage.<sup>3</sup>
6. *Limited English Proficiency:* Means an individual whose primary language for communication is not English and who has a limited ability to read, write, speak or understand English.
7. *National Origin:* Includes, but is not limited to, an individual's, or his or her ancestor's, place of origin (such as country or world region) or an individual's manifestation of the physical, cultural, or linguistic characteristics of a national original group.
8. *Qualified Bilingual/Multilingual Staff :* Means a caregiver who is designated by Providence to provide oral language assistance as part of the caregiver's current, assigned job responsibilities and who has demonstrated to the covered entity that he or she:
  - a. Is proficient in speaking and understanding both spoken English and a least one other spoken language, including any necessary specialized vocabulary, terminology and phraseology, and
  - b. Is able to effectively, accurately, and impartially communicate directly with individuals with limited English proficiency in their primary languages.
9. *Qualified Interpreter for an Individual with a Disability:* Means an interpreter who via a remote interpreting service or an on-site appearance:
  - a. Adheres to generally accepted interpreter ethics principles, including client confidentiality; and

- b. Is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary, terminology and phraseology (e.g., sign language interpreters).
10. *Qualified Interpreter or Translator for an Individual with Limited English Proficiency*: Means an interpreter or translator, respectively, who via a remote interpreting service or an on-site appearance:
- a. Adheres to generally accepted interpreter or translator ethics principles, as applicable, including client confidentiality;
  - b. In the case of an interpreter has demonstrated proficiency in speaking, and in the case of a translator has demonstrated proficiency in writing, and in both cases, demonstrates proficiency in understanding both spoken English and at least one other spoken language; and
  - c. In the case of an interpreter is able to interpret, and in the case of a translator is able to translate: effectively, accurately, and impartially, both receptively and expressly, to and from such language(s) and English, using any necessary specialized vocabulary, terminology and phraseology.
11. *Section 1557 Civil Rights Coordinator*: or *Civil Rights Coordinator*: Means the responsible Providence caregiver(s) designated to coordinate Providence's efforts to comply with this policy in any Providence Health Program or Activity, including the investigation of any grievances filed under this policy, and who are listed by Region/Ministry in the Procedure section below.

## Policy:

Consistent with Providence's Mission and Core Values, it is the policy of Providence to not discriminate against, exclude, or treat differently any individuals accessing any Providence Health Program or Activity on any basis prohibited by local, state or federal laws, including but not limited to on the basis of race, color, national origin, age, Disability, Handicap, or sex, as those terms are defined under federal law and rules. Where applicable, federal statutory protections for religious freedom and conscience are applied. It is also Providence's policy to provide free aids and language assistance services to individuals with a Disability, Handicap, or Limited English Proficiency who are accessing a Providence Health Programs or Activity. Such services may include providing Qualified Bilingual/Multilingual Staff, Qualified Interpreters, and Qualified Translators free of charge.


Providence has established an internal grievance procedure for individuals accessing any Providence Health Program or Activity, which provides for prompt and equitable resolution of complaints alleging violations of applicable federal or state laws that prohibit discrimination, including but not limited to Section 504 of the Rehabilitation Act of 1973, Section 1557 of the Affordable Care Act (42 U.S.C. 18116), and its implementing regulations at 45 CFR part 92 (collectively referred to below as "Section 1557"). Any person who believes that someone accessing a Providence Health Program or Activity has been subjected to discrimination on the basis of race, color, national origin, sex, age, Handicap, or Disability may file a grievance under this procedure. It is against the law for Providence to retaliate against anyone who opposes discrimination, files a grievance, or participates in the investigation of a grievance. Providence maintains a non-retaliation policy at PROV-HR-419.

Section 1557 and its implementing regulations may be examined in the office of Providence's Vice President, Risk, Claims and Insurance, Valley Office Park - Southgate II, 1801 Lind Ave. SW, Renton, WA 98057, Tel: 1-844-469-1775 , Email: [Nondiscrimination.PHS@providence.org](mailto:Nondiscrimination.PHS@providence.org) who has been designated to coordinate Providence's System-level efforts to comply with Section 1557. Such information can also be obtained through each designated Section 1557 Civil Rights Coordinator (see contact information below).

# Procedure:

## List of Section 1557 Civil Rights Coordinators:

Region/Ministry	Civil Rights Coordinator	2 <sup>nd</sup> Level of Appeal
Alaska	Civil Rights Coordinator 3200 Providence Dr., Anchorage, AK 99508; Tel:1-844-469-1775; Email: Nondiscrimination.AK@providence.org	Vice President, Risk, Claims and Insurance – contact information above
California	Civil Rights Coordinator 501 S. Buena Vista St. Burbank, CA 91505 Tel:1-844-469-1775; Email: Nondiscrimination.CA@providence.org	Vice President, Risk, Claims and Insurance – contact information above
Montana	Civil Rights Coordinator 1801 Lind Avenue S.W., Renton, WA 98057; Tel:1-844-469-1775; Email: Nondiscrimination.MT@providence.org	Vice President, Risk, Claims and Insurance – contact information above
Oregon	Civil Rights Coordinator 5933 Win Sivers Dr., Suite 109, Portland, OR 97220 Tel:1-844-469-1775; Email: Nondiscrimination.OR@providence.org	Vice President, Risk, Claims and Insurance – contact information above
Washington	Civil Rights Coordinator 101 W. 8 <sup>th</sup> Avenue, Spokane, WA 99204 Tel:1-844-469-1775; Email: Nondiscrimination.WA@providence.org	Vice President, Risk, Claims and Insurance – contact information above
Providence Senior and Community Services	Civil Rights Coordinator 2811 S. 102nd St, Suite 220 Tukwila, WA 98168, Tel:1-844-469-1775; Email: Nondiscrimination.pscs@providence.org	Vice President, Risk, Claims and Insurance – contact information above

Individuals needing Telecommunications Relay Services to file a complaint, may call 1-800-833-6384 , or 7-1-1.

### Investigation and Review Procedure:

- Any person who believes that someone accessing a Providence Health Program or Activity has been subjected to discrimination in violation of this policy may contact the above-noted Civil Rights Coordinator to discuss those concerns. Such persons may also file a complaint with Providence, as follows:
- Complaints must be submitted to the Civil Rights Coordinator (see above) within 60 days of the date the person filing the complaint becomes aware of the alleged discriminatory action.
- A complaint must be in writing, and must contain the name and address of the person making the complaint.

- The complaint must state the problem or action alleged to be discriminatory and the remedy or relief sought.
- The Civil Rights Coordinator (or her/his designee) shall conduct an investigation of the complaint. This investigation may be informal, but it will be thorough, affording all interested person(s) an opportunity to submit evidence relevant to the complaint. The Civil Rights Coordinator will maintain the files and records of Providence relating to such grievances. To the extent possible, and in accordance with applicable law, the Civil Rights Coordinator 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.
- The Civil Rights Coordinator (or her/his designee) will issue a written decision on the complaint to the complainant, based on a preponderance of the evidence, no later than 30-45 days after the Civil Rights Coordinator's receipt of the complaint. The written decision will include notice to the complainant of their right to pursue further administrative or legal remedies.
- The complainant may appeal the decision of the Civil Rights Coordinator by writing to the Vice President, Risk, Claims and Insurance, or such other designee listed above, within 15 days of receiving the Civil Rights Coordinator's decision. A written decision shall be issued by the decision-maker at this second level of review no later than 30 days after his or her receipt of the appeal.

Providence Regions/Ministries may adopt their own nondiscrimination policies for Health Programs or Activities only to the extent that they are consistent with this System policy.

The availability and use of the foregoing complaint 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 or Handicap 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, DC 20201. 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. Providence will provide notices to the public regarding the foregoing appeal rights on Providence's website and in other significant publications.

Providence will make appropriate arrangements to ensure that individuals with Disabilities, Handicaps, 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. Such arrangements may include, but are not limited to, providing Qualified Interpreters, providing taped cassettes of material for individuals with low vision, or assuring an accessible location for the proceedings. The Civil Rights Coordinator, acting directly or through a designee, will be responsible for such arrangements, and dedicated phone lines will be provided to assist individuals in obtaining communication assistance services.

**References:**

- Section 1557 of the Affordable Care Act (42 U.S.C. 18116)
- Section 1557 implementing regulations at 45 CFR part 92
- Title VI of the Civil Rights Act of 1964
- Title IX of the Education Amendments of 1972
- The Age Discrimination Act of 1975, subject to the exclusions described in 45 CFR 91.3(b)(1)
- Section 504 of the Rehabilitation Act of 1973
- Cal. Health & Safety Code § 1259

For Providence's and Affiliates' Human Resources policies applicable to caregivers, or questions about

caregiver benefits, and applicable grievance procedures, see: [Caregiver.eHR.com/Resources & Contacts/HR Policies](http://Caregiver.eHR.com/Resources & Contacts/HR Policies).

For Providence Health Plan's policies applicable to nondiscrimination in the provision of health-related coverage and grievance procedures, see: <https://healthplans.providence.org/nondiscrimination-statement>.

- A. [^](#) For purposes of this policy, "Affiliates" is defined as any entity that is wholly owned or controlled by Providence Health & Services or Western HealthConnect (for example, Swedish Health Services, Swedish Edmonds, Kadlec Regional Medical Center, Saint John Medical Center, PacMed Clinics and Inland Northwest Health Services).
- B. [^](#) "Impairment" under Washington law includes, but is not limited to: (i) Any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems; or (ii) Any mental, developmental, traumatic, or psychological disorder, including but not limited to cognitive limitation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
- C. [^](#) For nondiscrimination and grievance policies related to Providence's provision of health-related insurance or other benefits, to Providence caregivers or through Providence Health Plan, please see the applicable links at the end of the References section below.

## Attachments:

No Attachments

## Approval Signatures

Approver	Date
Michele Herman: Program Mgr Leadership Svcs	04/2017
Becky Woo: Project Coordinator	04/2017
Martha Raymond: Vp Risk Claims And Insurance	04/2017

## Applicability

AK - Providence Alaska MC & affiliates, AK - Providence Kodiak Island MC & affiliates, AK - Providence Seward MC & affiliates, AK - Providence Valdez MC & affiliates, CA - Providence Holy Cross MC, CA - Providence LCM MC San Pedro, CA - Providence LCM MC Torrance, CA - Providence Saint John's Health Center, CA - Providence Saint Joseph MC, Burbank, CA - Providence Tarzana MC, MT - Providence St. Joseph MC, Polson, MT - St. Patrick Hospital, OR - Clinical Support Staff (CSS), OR - Connections, OR - Credena Health (CH), OR - Home Health (HH), OR - Home Medical Equipment (HME), OR - Home Services, OR - Home Services Pharmacy (HSRx), OR - Hospice (HO), OR - Providence Ctr for Medically Fragile Children, OR - Providence Hood River Memorial Hospital, OR - Providence Medford MC, OR - Providence Medical Group, OR - Providence Medical Group, OR - Providence Milwaukie Hospital, OR - Providence Newberg MC, OR - Providence Portland MC, OR - Providence Seaside Hospital, OR - Providence St. Vincent MC, OR - Providence Willamette Falls MC, Providence Health & Services, Providence Senior and Community Services, Swedish Medical Center - Ballard Campus, Swedish Medical Center - Cherry Hill Campus, Swedish Medical Center - Edmonds Campus, Swedish Medical Center - First Hill Campus, Swedish Medical Center - Issaquah Campus, WA - NWR Providence Medical Group, WA - Providence Centralia Hospital, WA - Providence Holy Family Hospital, WA - Providence Mount Carmel Hospital, WA - Providence Physician Services, WA - Providence Regional MC Everett, WA - Providence Sacred

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