



Facility Name(s):	Mercy Health	
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: 09/30/2019

**I. Policy:**

Mercy Health and its subsidiaries in the singular or as a group, (collectively, “Mercy”) shall not discriminate on the basis of race, color, national origin, sex, religion, age, disability, sexual orientation, or gender identity.

**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 Mercy 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 Mercy to retaliate against anyone who opposes discrimination, files a grievance, or participates in the investigation of a grievance.

**III. Scope:**

Mercy Health and its subsidiaries.

**IV. Definitions**

- A. **Administrator:** For each Mercy subsidiary facility, 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**: Mercy Health has designated the Mercy Chief Compliance Officer as the Section 504 Coordinator for Mercy. 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 Mercy 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 Mercy co-worker or Mercy patient or other 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. 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. Mercy 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 Mercy 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, or disability 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. Specific Procedures for National Health Service Corps (NHSC) Approved Health Care Sites**

An NHSC-approved Mercy site is a health care facility in which Mercy provides comprehensive, primary health care services to populations residing in Health Professional Shortage Areas (HPSAs) and has been determined to meet the NHSC site eligibility requirements and qualifications. All NHSC sites within Mercy shall not discriminate in the provision of services to an individual because the individual is unable to pay, because payment for those services would be made under Medicare, Medicaid, or CHIP, or based upon the individual's race, color, sex, national origin, disability, religion, age, sexual orientation, or gender identity. All NHSC-approved sites shall make available a discounted/sliding fee schedule. Any complaints regarding the failure of an NHSC-approved site to follow this Policy shall be addressed to the Section 504/1557 Coordinator for investigation and shall be handled under the same investigation process set forth above.

## **VII. 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