

CSHCS LHD Email Alert

04/18/2019

Dear Colleagues:

Please be aware of requirements of Section 1557, Nondiscrimination in Health Programs and Activities, of the Affordable Care Act. All health programs and activities that receive Federal financial assistance for any program/service are required to comply with the requirements of Section 1557. At a broad level, this requires all covered entities to:

- Not discriminate based on race, color, national origin, sex, age, or disability;
- Provide meaningful, free, and timely access to language assistance services to those with Limited English Proficiency (LEP);
- Provide free and timely access to auxiliary aids and services (including qualified sign language interpreters, large print materials, text telephones, etc) to individuals with disabilities;
- Post nondiscrimination notice in conspicuous physical locations;
- Add taglines regarding language assistance in top 2 languages other than English to all small communications (brochures, pamphlets, postcards), and in top 15 languages for all non-small communications (letters, applications, explanation of benefits/services); and
- Designate an employee to coordinate compliance, implement a grievance procedure, and investigate grievances when they occur (applies only to organizations with 15 or more employees).

Section 1557 was passed in 2010 with an effective date of July 18, 2016. MSA Bulletin MSA 19-06 was recently released encouraging all Michigan Medicaid participants and providers to review Section 1557 and to take necessary steps to ensure compliance. Please be aware that, per that policy, failure to comply could result in a provider's disenrollment from the Michigan Medicaid program.

A question and answer section will be added to the LHD SharePoint site to facilitate group learning. Information can also be found at the following links:

- Full rule: https://www.federalregister.gov/documents/2016/05/18/2016-11458/nondiscrimination-in-health-programs-and-activities?utm_campaign=subscription+mailing+list&utm_medium=email&utm_source=federalregister.gov
- Frequently Asked Questions: <https://www.hhs.gov/civil-rights/for-individuals/section-1557/section-1557-proposed-rule-faqs/index.html>

Finally, please be aware that the MDHHS notice of language services available that was shared during the LHD webinar is for MDHHS use only. Each LHD is responsible to create their own notice utilizing their own phone information.

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