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Civil Rights/Nondiscrimination in the Provision of Health Related Services

POL-4444257

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Overview Statement

This policy applies to all Allegheny Health Network (AHN) individuals and entities as identified in the Policy Applicability section below. This policy prohibits discrimination in the provision of health related services. For employment discrimination refer to the AHN Equal Opportunity Employment Policy.

No person shall, on the grounds of age, AIDS or HIV status, ancestry, race, color, physical or mental disability, Gender Identity, Gender Expression or preference, gender dysphoria, National Origin, ethnicity, culture, language, socioeconomic status, source of payment, religion/religious creed, sex, sexual orientation, union status or any other characteristic protected by law or regulation (hereunto will be referred to as "*Protected Classes*") be subject to discrimination in the provision of health-related services, any care, treatment or service. All aspects of care and benefits are administered in a non-discriminatory, fair, and equitable fashion. AHN does not discriminate on the basis of sex and treats individuals consistent with their Gender Identity.

AHN is committed to complying with the applicable provisions of the relevant federal, state and local regulations, laws, rules and ordinances, including but not limited to those issued by the Pennsylvania Department of Health, the Department of Health and Human Services, Centers for Medicare and Medicaid Services, and The Joint Commission. This policy does not create legal obligations above and beyond those contained within established state and federal law.

AHN prohibits discrimination and denial of benefits for all Protected Classes for all of the following:

- A. Inpatient or outpatient admission or care
- B. Assigning patients or residents to buildings, wings, floors, sections, rooms or floors
- C. Asking patients or residents about roommate preferences
- D. Assignment of staff to patient or resident services
- E. Staff privileges of professionally qualified personnel
- F. Utilization of the health care facility
- G. Transfers of patients or residents from their rooms

The purpose of this policy is to ensure that AHN complies with all applicable civil rights laws, including but not limited to: Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; the Pennsylvania Human Relations Act; and Section 1557 of the Patient Protection and Affordable Care Act (ACA).

Terms and Definitions

Covered Entity (CE): an entity that operates a health program or activity, any part of which receives Federal financial assistance; an entity established under Title I of the ACA that administers a health program or activity; and the U.S. Department of Health and Human Services.

Disability: with respect to an individual, a physical or mental impairment that substantially 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 and construed in the Rehabilitation Act, 29 U.S.C. 705(9)(B), which incorporates the definition of disability in the ADA, 42 U.S.C. 12102, as amended. Where this part cross-references regulatory provisions that use the term "handicap", "handicap" means "disability" as defined in Section 1557 of the ACA.

Gender Identity: 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 gender. A transgender individual is an individual whose gender identity is different from the sex assigned to that person at birth.

Grievance Officer (Service Recovery Specialist) : the individual(s) responsible for investigating any complaint or grievance communicated to the CE alleging discrimination in violation of this policy and other civil rights laws, including Section 1557 of the Affordable Care Act.

Individual with Limited English Proficiency (LEP): an individual whose primary language for communication is not English and who has a limited ability to read, write, speak, or understand English.

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 origin group.

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, sex stereotyping, and gender identity.

Responsible Employee(s) the employee(s) responsible for coordinating the covered entity's efforts to comply with and carry out its responsibilities under this policy and Section 1557.

Details

Applicability

AHN Network-wide

Content Type

Policy

Responsible Area

Regulatory

Executive Sponsor

Amy Cotton

Owner

Brown, Amy

Former Numbers

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9/1/2021

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Related Authoritative Sources

Related Content

Related Documents

Sex Stereotypes: means stereotypical notions of masculinity or femininity, including expectations of how individuals represent or communicate their gender to others, such as behavior, clothing, hairstyles, activities, voice, mannerisms, or body characteristics. These stereotypes can include the expectation that individuals will consistently identify with only one gender and that they will act in conformity with the gender-related expressions stereotypically associates with that gender. Sex stereotypes also include gendered expectations related to the appropriate roles of a certain sex.

Significant Publications and Communications: Significant publications and significant communications may include written notices requiring a response from an individual and written notices to an individual, such as those pertaining to rights or benefits. Significant publications and communications may also include: consent and complaint forms; written notices of eligibility criteria; rights, denial, loss, or decreases in benefits or services; and, applications to participate in a recipient's program or activity or to receive recipient benefits or services. With respect to marketing publications and communications, the following are generally not significant: radio or television ads; banner and banner like ads; envelopes; or outdoor advertising such as billboard ads.

Taglines: short statements written in non-English languages that indicate the availability of language assistance services free of charge.

Administration

In order to prevent discrimination, AHN will comply with the following guidelines:

- A. Inpatient and outpatient care including, but not limited to, all clinic locations, emergency room care, and any contracted services for patient care will be provided to the Protected Classes on a nondiscriminatory basis.
- B. All patients will be admitted and receive care without regard to their status in a Protected Class.
- C. All patients will be assigned to rooms, floors, and sections in accordance with their medical needs.
- D. Patients will not be asked about roommate preferences (when applicable).
- E. Patients will be admitted, receive care and be transferred from rooms only for valid medical reasons. Under no circumstances will the application of this policy result in the segregation of buildings, wings, floors, or rooms based upon the discriminatory grounds defined above.
- F. Employees shall be assigned to patient services without regard to any Protected Class.
- G. At discharge, patients shall be referred only to those skilled nursing care facilities, intermediate care facilities, personal care facilities, or foster homes which are not known to AHN to be in non-compliance with the provisions of applicable law (e.g., the Pennsylvania Human Relations Act (43 P.S. Sec. 951-963). If AHN becomes aware of any instances of post-discharge discriminatory practices experienced by patients referred to the aforementioned facilities, the AHN Compliance Officer shall be informed. If confirmed, AHN will report said discriminatory practices to the Compliance Office of the Department of Health.
- H. Auxiliary aids and services (e.g., qualified interpreters) will be provided, free of charge and in a timely manner, when necessary to ensure an equal opportunity to participate to an individual with a disability. For further information, refer to the AHN policy "Communication: Auxiliary Aids and Language Assistance Services/Interpreters".
- I. Language assistance services (e.g., qualified translator/translated documents, oral interpreters) will be provided, free of charge and in a timely manner, when necessary to provide meaningful access to individuals with LEP. For further information, refer to the AHN policy "Communication: Auxiliary Aids and Language Assistance Services/Interpreters".

Notice Requirements:

- A. At least every three years, a Notice of Nondiscrimination will be published in the local newspaper.
- B. Each covered entity will post the Notice of Nondiscrimination and Taglines in conspicuous physical locations, including locations remote from the main campus, where the Covered Entity interacts with the public (e.g., points of registration, outpatient waiting rooms).
- C. The Notice of Nondiscrimination and Taglines in the top fifteen languages spoken by individuals with LEP will be posted in a conspicuous location on the Covered Entity's website accessible from the home page.
- D. The Notice of Nondiscrimination and Taglines in the top fifteen languages spoken by individuals with LEP will be included with significant publications and significant communications except:
 1. Significant publications and significant communications that are small-sized, such as postcards and tri-fold brochures, will include the statement of nondiscrimination and the Taglines in the top two languages spoken by individuals with LEP.
- E. The Notice of Nondiscrimination and Taglines required in paragraph D may be incorporated into significant publications and significant communications or including or providing as a separate insert. Further, the notice may be combined with the content of other notices as long as the combined notice clearly informs individuals of their civil rights.
- F. The notices and Taglines will be obtained from the Communications Department in order to ensure the most up-to-date information and accuracy of Taglines.

Complaints and Grievances:

- A. Complaints and grievances alleging discrimination in violation of this policy or alleging actions prohibited by applicable civil rights laws, including Section 1557 of the Affordable Care Act, will be investigated by the Grievance Officer (Service Recovery Specialist) and resolved, if possible, in accordance with the procedure outlined in the Patient Complaints, Grievances and Compliments policy.
- B. Any person (and/or their guardian) who believes that he/she has been discriminated against may file a complaint of discrimination with:
 1. The AHN or entity specific Grievance Officer (Service Recovery Specialist)
 2. The Pennsylvania Department of Health
 - a. Bureau of Quality Assurance Complaint Hotline 1-800-254-5164
 - b. Stephanie Kirkpatrick, Pennsylvania Department of Health Supervisor, Division of Nursing Care Facilities, Room 526 Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120-0701, (717) 787-1816, <http://www.portal.state.pa.us/portal/server.pt?open=514&objID=940206&mode=2>;
 3. The Office for Civil Rights: Barbara Holland, Regional Manager, Office for Civil Rights, U.S. Department of Health & Human Services, 150 S. Independence Mall West, Suite 372, Public Ledger Building, Philadelphia, PA 19106-9111, Main Line (800) 368-1019, FAX (215) 861-4431, TDD (800) 537-7697, <http://www.hhs.gov/oct/office/about/rgn-hqaddresses.html>.
 4. Any other Human Rights Agency having jurisdiction.

Exceptions

None

Violations

Violations of this policy or procedure may result in disciplinary action up to and including termination of employment.

Additional References

Cross Referenced and Related Policies:

Equal Employment Opportunity

Communication: Auxiliary Aids and Language Assistance Services/Interpreters

Patient Complaints, Grievances and Compliments

External or Regulatory References:

Pa. Code 28 § 51.11 et seq

Pa Code 28 § 101.161 et seq

The Joint Commission: Patient Rights and Organizational Ethics, Standard – RI.01.01.01

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

People Applicability

Independent credentialed/privileged providers (including physicians, nurse practitioners, physician assistants, certified registered nurse anesthetists, and midwives); Employees (including residents and fellows); Contracted/embedded workforce personnel (including independent contractors and agency staff); Volunteers; Students; Researchers; Members of a Collective Bargaining Agreement

Entity Applicability

This policy applies to Highmark Health and its subsidiaries and controlled affiliates:This policy applies to Allegheny Health Network and its subsidiaries and controlled affiliates; This policy applies to Highmark Health and its subsidiaries and controlled affiliates:This policy applies to Allegheny Health Network and its subsidiaries and controlled affiliates:Allegheny Singer Research Institute (ASRI); This policy applies to Highmark Health and its subsidiaries and controlled affiliates:This policy applies to Allegheny Health Network and its subsidiaries and controlled affiliates:Physician Organization; This policy applies to Highmark Health and its subsidiaries and controlled affiliates:This policy applies to Allegheny Health Network and its subsidiaries and controlled affiliates:System Wide Services; This policy applies to Highmark Health and its subsidiaries and controlled affiliates:This policy applies to Allegheny Health Network and its subsidiaries and controlled affiliates:Provider SCP; This policy applies to Highmark Health and its subsidiaries and controlled affiliates:This policy applies to Allegheny Health Network and its subsidiaries and controlled affiliates:AHN Cancer Institute; This policy applies to Highmark Health and its subsidiaries and controlled affiliates:This policy applies to Allegheny Health Network and its subsidiaries and controlled affiliates:Physician Organization:Allegheny Clinic; This policy applies to Highmark Health and its subsidiaries and controlled affiliates:This policy applies to Allegheny Health Network and its subsidiaries and controlled affiliates:Physician Organization:Lake Erie Medical Group; This policy applies to Highmark Health and its subsidiaries and controlled affiliates:This policy applies to Allegheny Health Network and its subsidiaries and controlled affiliates:Physician Organization:Premier Medical Associates; This policy applies to Highmark Health and its subsidiaries and controlled affiliates:This policy applies to Allegheny Health Network and its subsidiaries and controlled affiliates:Physician Organization:Saint Vincent Medical Group & Other Medical Offices; This policy applies to Highmark Health and its subsidiaries and controlled affiliates:This policy applies to Allegheny Health Network and its subsidiaries and controlled affiliates:Physician Organization:Chautauqua Medical Practice

Contact(s)**List of Approver(s)**

Approver	Date
David Tupponce: Physician President	09/2021
Regina Caldart	09/2021
Kathleen Hale: Director Patient Safety	09/2021
Amy Brown: Director Reg Read Policy Administration	09/2021

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