

NON-DISCRIMINATION POLICY

Appendix C to Part 92 – Sample Section 1557 of the Affordable Care Act Grievance Procedure

It is the policy of Walker Surgical Center not to discriminate on the basis of race, color, national origin, sex, age or disability. Walker Surgical Center has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Section 1557 of the Affordable Care Act (42 U.S.C. 18116) and its implementing regulations at 45 C.F.R. pt. 92, issued by the U.S. Department of Health and Human Services.

Section 1557 prohibits discrimination on the basis of race, color, national origin, sex, age or disability in certain health programs and activities. Heather Anderson has been designated to coordinate the efforts of Walker Surgical Center to comply with Section 1557.

Any 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. It is against the law for Walker Surgical Center to retaliate against anyone who opposes discrimination, or participates in the investigation of a grievance.

Procedure

- Grievances must be submitted to the Compliance Officer within (60 days) of the date the person filing the grievance becomes aware of the alleged discriminatory action.
- A complaint must be in writing, containing the name and address of the person filing it. The complaint must state the problem or action alleged to be discriminatory and the remedy or relief sought.
- The Section 1557 Coordinator / Compliance Officer (or her/his designee) shall conduct an investigation of the complaint. This investigation may be informal, but it will be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint. The Section 1557 Coordinator / Compliance Officer 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 Section 1557 Coordinator / Compliance Officer will issue a written decision on the grievance, based on a preponderance of the evidence, no later than 30 days after its filing, including a notice to the complainant of their right to pursue further administrative or legal remedies.
- The person filing the grievance may appeal the decision of the Section 1557 Coordinator / Compliance Officer by writing to the Administrative Director within 15 days of receiving the Section 1557 Coordinator's / Compliance Officer's decision. The Administrative Director shall issue a written decision in response to the appeal no later than 30 days after its filing.

- 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 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, D.C. 20201
- Complaint forms are available at:
<http://www.hhs.gov/ocr/file/index.html>.
Such complaints must be filed within 180 days of the date of the alleged discrimination. Walker Surgical Center will make the appropriate arrangements to ensure that individuals with disabilities 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 materials for individuals with low vision, or assuring a barrier-free location for the proceedings. The Section 1557 Coordinator / Compliance Officer will be responsible for such arrangements.