

## NEWS & NOTES FROM NPO



September 26, 2016

Don't Miss the

**DEADLINE!**

### **Section 1557: Anti-Discrimination Obligations**

In the last NPO newsletter, we shared some information regarding new legislation from the Office for Civil Rights that prohibits health care entities that receive certain federal financial assistance, including Medicaid and CHIP, from discriminating based on race, color, national origin, sex, age or disability. This ruling implements Section 1557 of the Affordable Care Act. By October 16, 2016, all parties who are impacted by this must post taglines in multiple languages, as well as nondiscrimination notices in their offices, on their websites and in significant publications and communications.

NPO asked MSMS to draft an article for our Northern Michigan region to assist with guidance as to how to meet the requirements. That article is below. NPO also asked for a free webinar for our members, in addition, to help explain the requirements. Webinar details are below the article. Please take advantage of the expertise offered during this webinar so that you may have your questions answered.

### **Section 1557: Anti-Discrimination Obligations - MSMS summary**

Reports and findings of discrimination in various settings, including health care, have spurred the adoption of statutes throughout the years that clarify the rights of individuals to receive certain consideration and services without prejudice. When the Affordable Care Act was passed several years ago, it included Section 1557 which prohibits discrimination on the basis of race, color, national origin, sex, age, or disability in health programs or activities that receive federal assistance. This section was included to support the ACA's goals, such as expanding access to health care and coverage and reducing health disparities, by eliminating barriers based on discrimination.

Section 1557 is currently in the spotlight due the recent issuance of the implementing regulation for Section 1557 and related timelines for some of the provisions. While this final ruling is inclusive of existing federal civil rights laws, there are some new provisions including posting requirements that require attention and action by physicians and other covered entities accepting federal financial assistance including, but not limited to, payment under any Medicare Part A, C, and D plan or Medicaid.

In order to ensure that individuals are not discriminated upon because of their national origin, physicians and other covered entities cannot delay or deny effective language assistance services to individuals with limited English proficiency (LEP). An individual with LEP is an individual whose primary language is not English and who has a limited ability to read, write, speak, or understand English often because they are not originally from the United States. Although the provision of language assistance to patients with LEP (at no cost to the patient) has been a long-standing requirement, the implementation of Section 1557 requires certain actions to ensure effective communication. Physicians and other covered entities must do the following:

- Post a nondiscrimination notice in the office and on the practice website. A sample is available at <http://www.hhs.gov/civil-rights/for-individuals/section-1557/translated-resources/index.html>.
- Post "taglines" in their office and on their practice website to notify patients that language assistance services are available free of charge.

Taglines, which are short statements, must be made available in the 15 most common languages spoken in Michigan. Translated sample taglines can be found at <http://www.hhs.gov/civil-rights/for-individuals/section-1557/translated-resources/index.html>. You will only need to add the correct phone number. The top 15 non-English languages for Michigan are: Spanish, Arabic, Chinese, Syriac (Assyrian), Vietnamese, Albanian, Korean, Bengali, Polish, German, Italian, Japanese, Russian, Serbo-Croatian, and Tagalog.

- Publish the 15 taglines on any significant publications and communications. On smaller items such as postcards and brochures physicians may print the tagline in just Spanish and Arabic. Existing stock of pre-printed publications may be used up first.
- Take reasonable steps to provide meaningful access to services to patients with LEP. Reasonable steps may include arranging for a qualified interpreter, written translations, or remote or other electronic translation, or making other reasonable accommodations if necessary. If a translator service is necessary, you will be responsible for any associated costs and may not bill the patient. Some health plans you contract with may arrange for these services at no charge, so you may want to inquire if the required services are available.

The **enforcement date for the posting provisions is October 17, 2016**. Physician practices with 15 or more employees are also required to have a grievance procedure and a designated compliance

coordinator. Training materials, a model grievance procedure, and frequently asked questions are available on the HHS Office of Civil Rights website (<http://www.hhs.gov/civil-rights/for-individuals/section-1557>). *The webinar information is below so that you may register for the webinar now; this webinar is free for NPO members.*

### **MSMS Webinar**

This webinar will cover the key points physicians and medical offices must understand. *The webinar is free for MSMS members, but registration is required.* **Please contact Marianne Ben-Hamza at [mehenhamza@msms.org](mailto:mehenhamza@msms.org) or 517/336-5781. Practice managers/office staff should call to register.**

### **Section 1557: Anti-Discrimination Obligations Lunch and Learn Webinar**

Wednesday, September 28, 2016, 12:15 PM - 1:00 PM (GMT -5:00) (UTC-5:00) Eastern Time (US & Canada)

With an October 17, 2016. enforcement date for key regulations associated with Section 1557 of the Affordable Care Act, many physicians and medical offices that participate in Medicare and Medicaid are wondering what steps they must take to comply. Join MSMS Legal Counsel, Daniel J. Schulte, JD, of Kerr, Russell and Weber, PLC, on Wednesday, September 28, from 12:15 - 1:00 pm to learn about anti-discrimination obligations under Section 1557.

Section 1557 prohibits discrimination on the basis of race, color, national origin, sex, age, or disability in health programs or activities that receive federal assistance. While the final ruling is inclusive of existing federal civil rights laws, there are some new provisions including posting requirements that require your attention and action.

**NPO is committed to providing great resources to our members!**

**Always feel free to contact us with any questions or suggestions.  
The NPO Newsletters are for you.  
We would love your feedback.  
THANKS!**

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