

HARRIS HEALTH SYSTEM

POLICY AND REGULATIONS MANUAL

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Effective Date: 01/26/12
Board Motion No: 12.1-05

TITLE: NON-DISCRIMINATION IN ACCESS TO SERVICES, PROGRAMS, AND FACILITIES

PURPOSE: To prohibit discrimination on the basis of race, color, sex, age, National Origin, Disability, or other legally protected status in providing access to Harris Health System's services, programs, or facilities.

POLICY STATEMENT:

Harris Health System (Harris Health) and its Workforce members will not discriminate on the basis of an individual's race, color, sex age, National Origin, Disability, or other legally protected status in providing access to Harris Health's health care services, health programs, buildings, or facilities whether the services programs or facilities are provided directly by Harris Health or indirectly through a contractor.

POLICY ELABORATION:

This policy applies to all Harris Health Workforce members, regardless of whether the Workforce member is involved in direct patient care.

I. DEFINITIONS:

- A. **DISABILITY:** A Physical or Mental Impairment that substantially limits one or more of the major life activities of an individual.
- B. **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.
- C. **INDIVIDUAL WITH LIMITED ENGLISH PROFICIENCY:** An individual whose primary language is not English and who has limited ability to read, write, speak, or understand English often because they are not originally from the United States.
- D. **LEGALLY AUTHORIZED REPRESENTATIVE (LAR):** An individual with legal standing to represent the interests of another (e.g., parent or spouse) or with the

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authority to act on behalf of another (as by power of attorney, court order, advance directive, or the executor of a will).

- E. **NATIONAL ORIGIN:** 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. National Origin includes an individual's ethnicity, religion, culture, and language.
- F. **PHYSICAL/MENTAL IMPAIRMENT:** Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems. It includes, but is not limited to, the following:
1. Contagious and noncontagious diseases and conditions;
 2. Orthopedic, visual, speech, and hearing impairments;
 3. Cerebral palsy;
 4. Epilepsy;
 5. Muscular dystrophy;
 6. Multiple sclerosis;
 7. Heart disease;
 8. Diabetes;
 9. Emotional illness;
 10. HIV;
 11. TB;
 12. Drug addiction; and
 13. Alcoholism
- G. **QUALIFIED INTERPRETER:** An interpreter having the skill to interpret effectively, accurately, and impartially both receptively and expressively, using any necessary specialized vocabulary. A Qualified Interpreter is a Harris Health Workforce member who has met competency requirements of converting information from one spoken language or sign language into another spoken language or sign language through a language proficiency assessment and has an interpreter symbol on his or her name badge. A Qualified Interpreter also includes a Harris Health-approved vendor(s) who provides language access services to Harris Health.

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- H. **QUALIFIED TRANSLATOR:** A Harris Health Workforce member who has met competency requirements of converting information from one written language into another written language through a language proficiency assessment and has an interpreter symbol on their name badge. A Qualified Translator also includes a Harris Health-approved vendor(s) who provides language access services to Harris Health.
- I. **SEX STEREOTYPES:** Stereotypical notions of masculinity or femininity. This includes expectations that an individual will act in conformity with gender expressions associated with being male or female, such as dress, appearance, or behavior (e.g., the male being the primary wage earner in a family).
- J. **TRANSGENDER INDIVIDUAL:** An individual whose Gender Identity is different from the sex assigned to that person at birth.
- K. **WORKFORCE:** Harris Health System Board of Trustees, employees, medical staff, trainees, contractors, volunteers, and vendors.

II. DISCRIMINATION PROHIBITED:

- A. Harris Health and its Workforce members will not discriminate on the basis of an individual's race, color, sex, age, National Origin, Disability, or other legally protected status in providing access to Harris Health's health care services, health programs, buildings, or facilities whether the services, programs, or facilities are provided directly by Harris Health or indirectly through a contractor.

- B. **Discrimination Based on Sex:**

Sex discrimination is discrimination based on an individual's sex, including pregnancy and related medical conditions, termination of pregnancy, Gender Identity including Transgender Individuals, and Sex Stereotypes.

- 1. Sex discrimination does not include discrimination based on an individual's sexual orientation status alone. However, Harris Health will not discriminate against an individual based on his or her sexual orientation.

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2. Harris Health and its Workforce members must treat individuals consistent with his or her Gender Identity, including access to facilities such as bathrooms.
3. Harris Health will not deny or limit sex-specific health services based solely on the fact that the Gender Identity of an individual or the gender recorded for that individual does not align with the sex of the individual who normally receives those services.

C. Discrimination Based on Race, Color, or National Origin:

1. Harris Health and its Workforce members will not discriminate against an individual based on that individual's National Origin, race, or color.
2. Language Proficiency:
 - a. Harris Health and its Workforce members will not discriminate against Individuals with Limited English Proficiency and will not delay or deny effective language assistance services to Individuals with Limited English Proficiency.
 - b. Harris Health and its Workforce Members must ensure that Individuals with Limited English Proficiency are offered meaningful access to health programs.
 - c. To ensure meaningful access, Harris Health will not:
 - i. Require an individual to bring their own interpreter;
 - ii. Rely on an individual's minor child or other family to interpret for the individual, except in emergency circumstances when a Qualified Interpreter may not be immediately available; or
 - iii. Rely on bilingual or multilingual Workforce members who are not Qualified Interpreters or Qualified Translators to communicate with individuals with Limited English Proficiency except in the following limited circumstances:
 - 1) Only obtaining and verifying a patient's name and date of birth;
 - 2) Giving or using basic commands (e.g., - yes, no, sit, stand, right, left, up, down, etc.);

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- 3) Giving directions (e.g., to Harris Health clinics, bathrooms, departments, offices, etc.);
- 4) Speaking with a patient or the patient's LAR regarding the patient's treatment but only when:
 - a) The Workforce member is the patient's physician;
 - b) The physician's ability to speak in the patient's language or in the patient's LAR's language has been verified through a language proficiency assessment and a record of their competency is maintained by Harris Health's Medical Staff Services Office; and
 - c) The patient or the patient's LAR has not requested a Qualified Interpreter or Qualified Translator.

NOTE: If an individual with Limited English Proficiency requests an interpreter or a translator, Harris Health must provide the individual a Qualified Interpreter or Qualified Translator even if Harris Health's communication with the patient meets one of the above four exceptions.

- d) For more information on Qualified Interpreters and Qualified Translators, See Harris Health Policy and Procedure 4385: Interpretation and Translation Services.

D. Discrimination Based on Age:

1. Harris Health and its Workforce members will not exclude, deny, or limit benefits and services to an individual because of the individual's age.

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2. Harris Health may provide different treatment based on age when the difference in treatment is justified by scientific or medical evidence.

E. Discrimination Based on Disability:

1. Harris Health and its Workforce members must modify its practices and procedures when necessary to provide equal access to facilities and services for individuals with Disabilities.
2. Harris Health must provide auxiliary aids to individuals with Disabilities free of charge and in a timely manner when the aids are necessary to ensure that the individual has an equal opportunity to participate and benefit from health care (e.g., large print materials, iPads, text telephones, qualified sign language interpreters, etc.).

III. REQUIRED NOTICES:

A. Notice of Non-Discrimination:

Harris Health will post a Notice of Non-Discrimination (see Appendix A) in:

1. A conspicuously-visible font size and in a conspicuous location at each Harris Health facility;
2. Significant publications and communications targeted to prospective and current patients and their LAR(s) and members of the public; and
3. A conspicuous location on Harris Health's website (i.e. accessible from the home page of Harris Health's website).

B. Statement of Non-Discrimination:

As an alternative to the Notice of Non-Discrimination, Harris Health will provide a Statement of Non-Discrimination (see Appendix B) in significant publications and communications targeted to prospective and current patients and their LAR(s) and members of the public when the publications and communications are small-sized, such as postcards and trifold brochures.

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IV. TRAINING AND EDUCATION:

- A. Harris Health will educate members of its Workforce on Harris Health's prohibition on discrimination based on age, race, color, National Origin sex, Disability, or other legally protected status.
- B. Harris Health Workforce members will receive education regarding Harris Health's non-discrimination policy in the following manner:
 - 1. During Harris Health's General Orientation;
 - 2. As part of Harris Health's annual training requirements; and
 - 3. As needed on a situational basis.

V. FILING A COMPLAINT/GRIEVANCE:

- A. Harris Health has a grievance policy governing the prompt and equitable resolution of complaints alleging any action prohibited by this policy, applicable laws, or regulations, see Harris Health policy 4200: Patient Complaints and Grievances.
- B. If an individual believes Harris Health has discriminated in access to services or facilities on the basis of race, color, National Origin, age, Disability, sex, or other legally protected status the individual may file a grievance/complaint with:
 - 1. The Administrative Director of the Patient Experience at:

Patient/Customer Relations Department
1504 Ben Taub Loop, Houston, Texas 77030
Telephone: 713-873-3939
Fax: 713-873-3166
Email: PCR@harrishealth.org

A grievance may be filed in person or by mail, fax, or e-mail. The Administrative Director of the Patient Experience is available to provide assistance to those requiring help in filing a grievance.

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2. The United States Department of Health and Human Services, Office for Civil Rights, electronically through the Office for Civil Rights Complaint Portal, available at <https://ocrportal.hhs.gov/ocr/portal/lobby.jsf>, or by mail or phone at:

3. U.S. Department of Health and Human Services
200 Independence Avenue, SW
Room 509F, HHH Building
Washington, D.C. 20201

1-800-537-7697 (TDD)

Complaint forms are also available at:
<http://www.hhs.gov/ocr/office/file/index.html>

C. Harris Health will not retaliate against Workforce members, individuals, or others for:

1. Filing a good faith complaint with Harris Health, the United States Department of Health and Human Services, or any local, state, or federal agency having authority to enforce compliance with this policy; or
2. Testifying, assisting, or participating in an investigation, compliance review, proceeding, or hearing regarding an alleged violation of this policy.

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REFERENCES/BIBLIOGRAPHY:

42 U.S.C. §18116; 45 C.F.R. 92.1, et seq. (Section 1557 of the Affordable Care Act)

42 U.S.C. §18116; 45 C.F.R. §92.101

42 U.S.C. §18116; 45 C.F.R. §92.4

The Americans with Disabilities Act of 1990 (ADA)

Harris Health System Policy and Procedure 4385 Interpretation and Translation Services

Harris Health System Policy and Procedure 3.58 Non-Retaliation for Reporting Fraud, Abuse, or Wrongdoing

Harris Health System Policy and Procedure 4200 Patient Complaints and Grievances

OFFICE OF PRIMARY RESPONSIBILITY:

Harris Health System Office of Corporate Compliance

REVIEW/REVISION HISTORY:

Effective Date	Version# (If Applicable)	Review or Revision Date (Indicate Reviewed or Revised)	Reviewed or Approved by: (If Board of Managers Approved, include Board Motion#)
	1.0 Original	Approved 12/31/2011	HCHD Operations Policy Committee
01/26/2012		Approved 01/26/2012	HCHD Board of Managers (Board Motion#12.1-05)
	2.0	Revised/Approved 1/09/2018	Structure and Organizational Standards Committee

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