

METHODS OF ADMINISTRATION

INTRODUCTION

In 1974, the Congress of the United States of America affirmed that:

"The achievement of equal access to quality health care at a reasonable cost is a priority of the Federal Government."

Resulting from this commitment, Congress promulgated Public Law 93-641, the National Health Planning and Resources Development Act of 1974, as amended in 1979 by Public Law 96-79. The Act provided for the development of recommendations for a national health planning policy to enlarge upon area wide and state planning for health services, manpower and facilities, and to authorize financial assistance for developing resources to advance that policy.

Before establishing the mechanism for health planning, Congress enacted Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975 which made it unlawful for any program or activity receiving Federal financial assistance to discriminate in the provision of services against any person on the ground of race, color, creed, sex, national origin, physical or mental handicap.

In response to these commitments, the Arizona Health Care Cost Containment System Administration has developed this document to govern the conduct of any program or activity operated with funds provided by or through the Administration.

PART ONE - BASIC PROVISIONS

A. PURPOSE AND POLICY

The Administration's intent is to provide nondiscriminatory services and publish these Methods of Administration in compliance with the requirements of Title VI of 1964 Civil Rights Act, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975 and Title 9, Chapter 22 of the AHCCCS rules. No person in Arizona shall, on the ground of race, color, creed, sex, national origin or physical or mental handicap be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the offering or provision of services by the Administration or by any contractor, subcontractor, provider, non-provider or facility receiving financial assistance from, or operating a program under a contract with, the Administration. The

TN. No. 92-6
Supersedes
TN. No. 85-9
ddb\Att.7

Approval Date 6/18/92

Effective Date JAN. 1, 1992

Administration assures that the program shall be conducted in compliance with the applicable provisions of 45 C.F.R. Parts 80, 84 and 90.

B. APPLICABILITY

These guidelines apply to the Administration and any program and activity receiving financial reimbursement from the Administration.

C. DEFINITION OF TERMS

For purpose of these guidelines, the following definitions shall apply:

1. "Bilingual employee" means an employee who, in addition to possessing minimum job qualifications for a position, is proficient in oral and reading communication skills necessary to perform the requirements of the position in English and in a primary language of a non-English or limited-English speaking person served by a facility. Proficiency in oral and reading communication skills shall be determined by the facility according to criteria which accurately determines proficiency. An employee shall not be permitted designation as a bilingual employee, if there is refusal to use his or her oral and reading communication skills.
2. "Bilingual positions" means permanent budgeted positions which, in addition to minimum job qualifications, include as a prerequisite for employment, proficiency in a specified second language, including sign language.
3. "Focused recruitment" means efforts by a facility to identify and encourage application for employment by that target population not employed in public contact positions at the facility in numbers sufficient to comply with requirements of these guidelines.
4. "Minority" includes:
 - a. American Indian - All persons having origins in any of the original peoples of North America, and who maintain cultural identification, through tribal affiliation or community recognition.
 - b. Asian - All persons having origins in the Far East, Southeast Asia, or the Pacific Islands which includes China, Japan, Korea, the Philippine Islands, and Samoa.
 - c. Black - All persons having origins in any of the Black racial groups.

- d. **Hispanic** - All persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish cultural origin.
5. **"Non-English or limited-English speaking persons or groups"** means persons or groups whose primary language is a language other than English and who cannot communicate effectively in English and for whom written English communications such as consent forms, are not understandable.
6. **"Primary language"** means the language which is spoken most fluently by a person and which is used by the person to communicate effectively in all exchanges of information with an agency pertinent to the recipient of any service under the agency's program.
7. **"Public contact positions"** means all staff positions in which the employee spends at least 50 percent of his or her time in direct interaction with patients or persons who are seeking health care or health care related information during intake, admission or when obtaining emergency medical services. In a health plan, examples would be persons assigned to the front desk or registration counter to give directions or respond to direct public inquiries, telephone operators who answer the public telephone number, admission personnel, and emergency room personnel; in nursing care facilities and residential care homes, nurses and nurse aides who are assigned to respond to patient health emergencies.
8. **"Target population or group"** means a group of persons which is identifiable by race, color, creed, age, sex, national origin or physical or mental handicap and as a group has been protected against discrimination by federal or state law.

D. DISCRIMINATION PROHIBITED

1. The Administration outlines its Employee Grievance Procedure in the AHCCCS Affirmative Action Plan. A copy of this plan is available for review in the AHCCCS' Director's Office.
2. With respect to the Administration and delivery of AHCCCS services, directly or through contractual or other arrangement, the following nondiscriminatory policy guidelines shall apply. A contractor, subcontractor, provider, non-provider or facility shall not on account of race, color, creed, sex, national origin, or physical or mental handicap:

Treat a person differently from others in determining whether that person satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition that person must meet in order to be provided any service.

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3. No person shall directly or through contractual arrangements, utilize means or methods of administration which have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975 and Title 9, Chapter 22, 28 and 29 of the AHCCCS Rules.
4. Service areas, sub-areas or attachment areas should not be established to promote segregation.
5. Deny access to any facility or service available at or by the facility.
6. Restrict a member in any way in the enjoyment of any health care service enjoyed by other members receiving any service provided.
7. Provide any service or benefit to any member which is different, or is provided in a different manner or at a different time from that provided to other members, except where necessary to provide services that are effective or available as those others.
8. A person shall not be restricted in the receipt of any health care service received by others from the facility due to language barriers.
9. Assign or refer a member to other facilities on the basis of race, color or national origin.
10. Assignments to rooms, wards, floors, sections, buildings, or areas of service delivery or transfers of persons to accommodations shall not be made on the basis of race, color, creed, sex or national origin.
11. Persons shall not be queried verbally or in writing whether they are willing to share accommodations with members of target populations.
12. Requests shall not be honored from a person for transfer to other accommodations unless such transfer is made for the purpose of facilitating care and treatment and enhancing the quality of care and is so certified in writing by the physician.
13. Qualified person shall not be denied on the basis of race, color, creed, sex, national origin, or physical handicap the opportunity to participate as a member of a planning or advisory body which is an integral part of the program or service.

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E. RESPONSIBILITY AND DELEGATION OF AUTHORITY

The Director of the Administration has delegated to the Office of the Director the personal responsibility for the implementation of a comprehensive civil rights program which assures that the purposes of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975 and Title 9, Chapter 22, 28 and 29 of AHCCCS Rules are followed.

1. Affirmative Action Officer

- a. Serves as Civil Rights Coordinator and principal advisor to the Director, Deputy Director and Assistant Director's on all matters relative to these guidelines.
- b. Develops standards and criteria for program activities which directly or indirectly involve civil rights equal opportunity efforts such as delivering services, compliance monitoring and data collection. Reviews program directives, policies, procedures and guidelines to ensure that they reflect and promote civil rights requirements.
- c. Oversees voluntary compliance efforts when a determination of probable noncompliance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975 and Title 9, Chapter 22, 28 and 29 of AHCCCS Rules.
- d. Provides current information and annual civil rights training to Assistant Directors within the Administration.
- e. Implements the Administration's requirements of these guidelines within the programs overseen by the respective divisions.
- f. Monitors contractor's compliance with these guidelines.
- g. Conducts annual compliance reviews of each contractor's program for compliance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975 and Title 9, Chapter 22, 28 and 29 of AHCCCS Rules, and provides a report to the Assistant Deputy Director.
- h. Assures that methods for selecting members of planning or advisory boards, councils and committees are non-discriminatory and that efforts are made to receive all segments of the community for their active participation on such organizations.

- i. Consults and coordinates with the Director on all civil rights program changes proposed by each contractor.

2. Public Information Officer

- a. Develops a public notification system to assure that all publications directed to applicants, potential applicants, eligibles, members, and their representatives are published in English and other languages as appropriate.
- b. Assures that printed materials, when appropriate, portray persons from the diverse cultural backgrounds of Arizona.
- c. Assures that all meeting notices to the general public and printed program announcements, when appropriate, produced or purchased by the Office of Public Information contain the following statement:

"The AHCCCS Administration or its contractors shall not discriminate on the basis of race, color, creed, sex, religion, age, national origin, ancestry, marital status, sexual preference, or physical or mental handicap."

3. Interdivisional Coordination

The purpose of this part is to eliminate, where feasible, duplication of effort when more than one Division assists or contracts with a common recipient. In general, the Division having direct oversight of the largest dollar amount of financial assistance or holding the largest aggregate dollar amount of financial assistance or holding the largest aggregate dollar amount of contracts, shall assume responsibility for assuring contract compliance according to Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975 and Title 9, Chapter 22, 28 and 29 of AHCCCS Rules. Should clarification be required for designation of responsibility, the Assistant Deputy Director will make such designation to assure compliance.

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