

117 – NONDISCRIMINATION POLICY & GRIEVANCE PROCEDURE

1 Authority

The Office of General Counsel (OGC) and the Chief Compliance Officer are responsible for this policy. Revisions to this policy are under the authority of the Executive Management team. Supplementation of this policy and procedure is not permitted without prior written approval by the AHCCCS Director or designee.

2 Purpose

The purpose of this policy is to inform individuals of the Arizona Health Care Cost Containment System (AHCCCS) nondiscrimination policy and establish procedures for the investigation and resolution of complaints (also referred to as grievances) alleging prohibited discriminatory action on the basis of race, color, national origin, sex, age and disability in health programs and activities administered by AHCCCS.

3 Scope

This policy applies to the general public and to all public officers and employees of AHCCCS including interns, temporary workers, volunteers and contractors, whether on a full-time, part-time, volunteer, or contract basis.

This policy does not apply to complaints filed by AHCCCS staff alleging discrimination in employment. For employment-related complaints, refer to AHCCCS Administrative Policies and Procedures, Chapter 800.

4 Roles and Responsibilities

4.1 AHCCCS Chief Compliance Officer and Section 1557 Coordinator

The AHCCCS Chief Compliance Officer serves as the designated Section 1557 Coordinator and is responsible for overseeing and ensuring compliance with AHCCCS' responsibilities under Section 1557 of the Patient Protection and Affordable Care Act (Section 1557) and 42 C.F.R. Part 92 (Part 92) in AHCCCS health programs and activities, including the investigation of any complaint communicated to AHCCCS alleging discriminatory action prohibited by these laws. While the Section 1557 Coordinator is ultimately accountable for ensuring compliance, the execution of

these responsibilities belongs to other divisions, including the AHCCCS Office of the General Counsel (OGC).

4.2 AHCCCS Office of the General Counsel

At the direction of the Section 1557 Coordinator, OGC is responsible for receiving and facilitating the review, investigation and resolution of complaints communicated to AHCCCS alleging prohibited discriminatory action under Section 1557 and Part 92 in health programs and activities administered by AHCCCS.

5 Policy

5.1 Nondiscrimination Policy

- 5.1.1 It is the policy of AHCCCS that no person shall, on the basis of race, color, national origin (including limited English proficiency and primary language), sex, age, disability, or any combination thereof, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any health program or activity administered by AHCCCS.
- 5.1.2 AHCCCS does not discriminate on the basis of race, color, national origin (including limited English proficiency and primary language), sex (consistent with the scope of sex discrimination described at 45 C.F.R. § 92.101(a)(2)), age, or disability; provides language assistance services and appropriate auxiliary aids and services free of charge when necessary for compliance with Section 1557 and Part 92; and will provide reasonable modifications for individuals with disabilities.
- 5.1.3 AHCCCS provides reasonable modifications and free auxiliary aids and services to people with disabilities to facilitate effective communication, such as qualified sign language interpreters and written information in other formats (large print, audio, accessible electronic formats and other formats). AHCCCS also provides free language assistance services to people whose primary language is not English, such as qualified interpreters and information written in other languages. Requests for reasonable modifications, appropriate auxiliary aids and services, and language assistance services may be made by emailing AHCCCS at equalaccess@azahcccs.gov.
- 5.1.4 The AHCCCS Notice of Nondiscrimination, including more detailed information regarding the availability of free auxiliary aids and services, language assistance services and reasonable modifications, is available on the public AHCCCS website at <https://www.azahcccs.gov> and by request.
- 5.1.5 Filing a complaint with AHCCCS pursuant to this policy does not preclude a person from filing a complaint with the U.S. Department of Health and Human Services, Office for Civil Rights (HHS OCR) or any other appropriate federal or state agency, or from otherwise

pursuing available recourse under state or federal law including requesting an administrative hearing to appeal an adverse or appealable agency action under Arizona Revised Statutes (A.R.S.) Title 41, Chapter 6, Article 10.

To file a complaint with HHS OCR:

- Submit the complaint online through the HHS OCR Complaint Portal at <http://www.hhs.gov/ocr/civilrights/complaints>
- Mail the complaint to:
Centralized Case Management Operations
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Room 509F HHH Bldg.
Washington, D.C. 20201
- Email the complaint to: OCRComplaint@hhs.gov

5.1.6 AHCCCS has designated the AHCCCS Chief Compliance Officer as its Section 1557 Coordinator to coordinate compliance with Section 1557 and Part 92 in the administration of AHCCCS health programs and activities.

The AHCCCS Section 1557 Coordinator may be contacted by email at equalaccess@azahcccs.gov or by mail at:

AHCCCS Administration
Attn: Section 1557 Coordinator
PO Box 25520, MD 15013
Phoenix, Arizona 85002

5.2 Grievance Procedure

- 5.2.1 It is the policy of AHCCCS to provide prompt and equitable resolution of complaints communicated to it alleging any action that would be prohibited by Section 1557 or Part 92 in AHCCCS health programs or activities.
- 5.2.2 Any person who believes that AHCCCS, or its contractor, engaged in discriminatory action prohibited by Section 1557 or Part 92 may file a complaint with AHCCCS under this policy. Prohibited discriminatory action includes discrimination, exclusion, or denial of the benefits of any health program or activity administered by AHCCCS on the basis of race, color, national origin, sex, age, or disability.
- 5.2.3 AHCCCS will only address complaints of discrimination alleging (1) a discriminatory action prohibited by Section 1557 or Part 92 on the basis of race, color, national origin, sex, age or disability; (2) in a health program or activity administered or operated by AHCCCS or its contractor. The AHCCCS Section 1557 Coordinator and OGC are unable to accept complaints that do not meet these criteria.

5.2.4 A complaint alleging prohibited discriminatory action may be filed with AHCCCS by emailing the complaint to equalaccess@azahcccs.gov or mailing the complaint to:

AHCCCS Administration
Attn: Section 1557 Coordinator
PO Box 25520, MD 15013
Phoenix, Arizona 85002

5.2.5 A complaint must be filed with AHCCCS within 180 calendar days of the date the person filing the complaint believes the alleged prohibited discriminatory action occurred. AHCCCS may, upon a showing of good cause and in its sole discretion, extend the 180-day filing period.

5.2.6 A complaint must be submitted to AHCCCS in writing and contain the following information:

- Full name, address, email address and telephone number of the person filing the complaint;
- Name, address, email address (if available) and telephone number of the person, agency or organization believed to have engaged in prohibited discriminatory action;
- A brief description of the action subject to the complaint, including how, why and when the alleged discriminatory action occurred, including specific dates of when the incident(s) took place;
- Reasons why the person filing the complaint believes the alleged discriminatory action was based on at least one of the following bases: race, color, national origin, sex, age or disability;
- Whether a related complaint has been filed with another federal, state or other agency;
- The remedy or relief the person is seeking;
- If the person is filing the complaint on behalf of another individual, the full name, telephone number and email address (if available) of the individual they believe was subjected to the alleged discriminatory action; and
- If submitted by mail or in person, the signature of the person that is filing the complaint.

5.2.7 OGC will log and date the complaint on the date it was received by AHCCCS.

5.2.8 OGC will determine the timeliness of the complaint and whether AHCCCS has the legal authority to conduct an investigation of the action complained of, including whether the complaint alleges a discriminatory action prohibited by Section 1557 or Part 92 on the

basis of race, color, national origin, sex, age or disability in a health program or activity administered or operated by AHCCCS.

1. In the event OGC determines that the complaint is untimely, does not allege a prohibited discriminatory action under Section 1557 or Part 92 in a health program or activity administered by AHCCCS or is otherwise beyond AHCCCS' legal authority to investigate, AHCCCS will inform the person that filed the complaint of its determination and that an investigation will not be conducted by AHCCCS. Such a determination does not prevent a person from filing a complaint with the U.S. Department of Health and Human Services, Office for Civil Rights or any other appropriate federal or state agency, or from otherwise pursuing any available recourse under state or federal law.
- 5.2.9 If timely and within AHCCCS' jurisdiction to investigate, OGC will assign the complaint to an OGC staff member for investigation. The investigation may be informal but must be thorough and afford all interested persons an opportunity to submit evidence relevant to the complaint.
- 5.2.10 AHCCCS will keep confidential the identity of a person who has filed a complaint under this policy except as required by law or to the extent necessary to conduct an investigation of the action complained of.
- 5.2.11 At the end of the investigation, OGC will issue a written decision to the person filing the complaint within 30 calendar days after the complaint was received by OGC. The 30-day timeline may be extended by OGC for good cause with notification to the person filing the complaint, or for any reason with the agreement of the person filing the complaint.
- 5.2.12 If the person filing the complaint is not satisfied with OGC's decision, OGC will provide information on how to elevate the complaint to the U.S. Department of Health and Human Services, Office for Civil Rights or other appropriate federal or state agency.
- 5.2.13 At any point in the investigation or upon its conclusion, OGC may discuss the allegations, evidence, any significant issues uncovered during the investigation, and, if appropriate, any recommended remedial action with the AHCCCS Director or appropriate Deputy Director, Assistant Director or Program Administrator. At the discretion of the AHCCCS Director, Deputy Director, Assistant Director or Program Administrator, voluntary or remedial action may be taken regardless of whether there is a finding of possible discrimination.
- 5.2.14 OGC will retain records related to complaints filed pursuant to this policy for at least three (3) calendar years from the date the complaint is resolved. The records will include the complaint; the name and contact information of the person filing the complaint; the

alleged discriminatory action and alleged basis of discrimination; the date the complaint was filed with AHCCCS; the date the complaint was resolved and the resolution.

6 Exceptions

There are no exceptions to this policy.

7 Definitions

Term	Definition
Health program or activity	Defined in 45 C.F.R. § 92.4 to mean: any project, enterprise, venture or undertaking to (i) provide or administer health-related services, health insurance coverage, or other health-related coverage; (ii) provide assistance to persons in obtaining health-related services, health insurance coverage, or other health-related coverage; (iii) provide clinical, pharmaceutical, or medical care; (iv) engage in health or clinical research; or (v) provide health education for health care professionals or others, including but not limited to a state or local health agency, hospital, health clinic, health insurance issuer, physician's practice, pharmacy, community-based health care provider, nursing facility, residential or community-based treatment facility, and all operations of AHCCCS, Children's Health Insurance Program (CHIP) and Basic Health Program.
Discrimination on the basis of sex	Defined in 45 C.F.R. § 92.101 to include, but is not limited to, discrimination on the basis of sex characteristics, pregnancy, sexual orientation, gender identity and sex stereotypes.

8 References

- Title VI of the Civil Rights Act of 1964: 42 U.S.C. § 2000d and 45 C.F.R. Part 80
- The Rehabilitation Act of 1973: 29 U.S.C. § 794 and 45 C.F.R. Part 84
- The Age Discrimination Act of 1975: 42 U.S.C. § 6102 and 45 C.F.R. Part 91
- The Americans with Disabilities Act: 42 U.S.C. § 12132 and 28 C.F.R. Part 35
- The Patient Protection and Affordable Care Act: 42 U.S.C. § 18116
- Nondiscrimination in Health Programs or Activities: 45 C.F.R. Part 92

9 Version History

The effective date of this policy is December 1, 2015.

Date	Change	Revision	Approved By
12/01/2015	Policy Established	1	Matt Devlin
10/04/2016	Revisions to include language from Nondiscrimination Notice Requirements in 45 C.F.R. § 92.8	2	OALS
9/12/2022	Changes OALS to OGC and 701 E. Jefferson to 801 E. Jefferson	3	Vickie Asato, OGC
4/23/2025	Revisions to include requirements in 45 C.F.R. Part 92; inclusion of roles and responsibilities; clarification of grievance procedures; and removal of appeal procedures.	4	OGC/Executive Management
7/24/2025	Revisions to update the mailing address from PO Box 25520, MD 6200 to PO Box 25520, MD 15013	5	OGC