

Section 1557 Nondiscrimination Notice to Agency



Section 1557 of the Patient Protection and Affordable Care Act and 45 CFR Part 92 Nondiscrimination in the Health Program or Activities requires agencies to post Notices of Nondiscrimination. The Agency is also required to provide Notices of Availability of Language Assistance Services and Auxiliary Aids and Services in the top 15 languages spoken in the state, that alert individuals with limited English proficiency (LEP), to the availability of language assistance services and individuals with disabilities to the availability of auxiliary aids and services.

Refer to the Alternative Communication policy in the Rights and Ethics section of the Administrative Policy Manual, that includes details of the Nondiscrimination requirements and the links to the following:

- Notice of Nondiscrimination
- Notices of Availability of Language Assistance Services and Auxiliary Aids and Services in the top 15 languages spoken in the state.
- Sample notices (both word and PDF versions) in English and 46 other languages that can be used if the Agency chooses to do so; the Agency may also create their own notices if they wish, as long as it clearly informs individuals of their civil rights under Section 1557 and 45 CFR 92.10 and all the elements required by (a)(1) of 92.10.
- Contact information for alternative formats for individuals with disabilities who require auxiliary aids and services.
- Office for Civil Rights: Frequently asked Questions

The Agency should include the Notice of Nondiscrimination and the Notice of Availability of Language Assistance Services and Auxiliary Aids and Services documents in the admit pack for distribution to each patient/client at the time of admission.

Additionally, the Agency will provide the Notice of Availability of Language Assistance Services and Auxiliary Aids and Services when the following forms are provided (electronically and written);

1. Notice of Nondiscrimination;
2. HIPAA Notice of Privacy Practices;
3. Application and intake forms;
4. Notices of denial or termination of eligibility, benefits or services, including Explanations of Benefits, and notices of appeal and grievance rights;
5. Communications related to an individual's rights, eligibility, benefits, or services that require or request a response from a participant, beneficiary, enrollee, or applicant;
6. Communications related to a public health emergency;
7. Consent forms and instructions related to medical procedures or operations, medical power of attorney, or living will (with an option of providing only one notice for all documents bundled together);
8. Discharge papers;
9. Communications related to the cost and payment of care with respect to an individual, including medical billing and collections materials, and good faith estimates required by section 2799B-6 of the Public Health Service Act;
10. Complaint forms; and

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11. Patient/client and member handbooks.