



UNIVERSITY POLICY

Policy Name:	Notice of Non-Discrimination and Grievance Procedure (Section 1557 of the Affordable Care Act)				
Section #:	100.2.12	Section Title:	Healthcare Compliance Policies	Formerly Book:	N/A
Approval Authority:	Executive Vice President for Health Affairs	Adopted:	03/06/2019	Reviewed:	
Responsible Executive:	Executive Vice President for Health Affairs	Revised:			
Responsible Office:	Executive Vice President for Health Affairs	Contact:	chancellorrbhs@rutgers.edu 973-972-4400		

1. Policy Statement

It is the policy of Rutgers, The State University of New Jersey, not to discriminate in the provision of health care services on the basis of race, color, national origin, sex, age, or disability.

2. Reason for Policy

To define the processes by which the outpatient locations of Rutgers, The State University of New Jersey, provide notice and access to individuals with disabilities or limited English proficiency, and to provide a grievance procedure for any patient who believes he or she has been the victim of discrimination based on a protected class in compliance with Section 1557 of the Patient Protection and Affordable Care Act (Section 1557).

3. Who Should Read This Policy

All Rutgers faculty and staff who provide clinical services or who work in areas that support clinical services.

4. Resources

U.S. Department of Health and Human Services (DHHS). Nondiscrimination in Health Programs and Activities. [45 CFR Part 92](#)

Section 1557 of the Patient Protection and Affordable Care Act (42 U.S.C. § 18116)

[University Ethics and Compliance Hotline](#)

[United States Department of Health and Human Services Office for Civil Rights Complaint Form](#)

[United States Department of Health and Human Services Office for Civil Rights Complaint Portal](#)

5. Definitions

1557 Coordinator: The 1557 Coordinator is the Rutgers University Ethics and Compliance Senior Healthcare Compliance Officer.

6. The Policy

- a. Rutgers, The State University of New Jersey, shall make appropriate arrangements to ensure that individuals with disabilities and individuals with limited English proficiency are provided auxiliary aids and services or language assistance services during a medical encounter at all Rutgers Health clinical settings. Such arrangements may include, but are not limited to, providing qualified interpreters, providing recordings of material for individuals with low vision, or assuring a barrier-free location for the proceedings.
- b. Section 1557 prohibits discrimination on the basis of race, color, national origin, sex, age, or disability in certain health programs and activities. Section 1557, and its implementing regulations, may be examined in the office of the 1557 Coordinator.

Any person who believes someone has been subjected to discrimination on the basis of race, color, national origin, sex, age, or disability may file a grievance under this procedure.

- c. Rutgers Health has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Section 1557 of the Affordable Care Act (42 U.S.C. § 18116) and its implementing regulations at 45 CFR part 92 issued by the United States Department of Health and Human Services.
- d. Rutgers Health shall not retaliate against anyone who reports discrimination, files a grievance, or participates in the investigation of a grievance.

7. Notice

All clinical units/schools shall:

- a. Post in a conspicuous place, in patient care areas, a "Notice Informing Individuals About Nondiscrimination and Accessibility Requirements and Nondiscrimination Statement: Discrimination is Against the Law." (Notice)
- b. Add the Notice and taglines required to all significant publications and significant communications targeted to patients.
- c. Display the Notice in conspicuous location(s) on the unit's web site with required taglines.
- d. All requests for services covered under Section 1557 and this policy will be documented. All 1557 related services shall be documented at the time they are rendered.

8. Grievance Procedure

- a. If a patient or their authorized representative inquires about making a complaint or filing a grievance, he or she shall be given the opportunity to report their grievance directly to University Ethics and Compliance in any of the ways listed below:
 1. By contacting the Rutgers University Ethics & Compliance (UEC) Office at:
Stanley S. Bergen, Jr. Building
65 Bergen Street, Suite 1346
Newark, NJ 07107
Fax: 973-972-7174
Email: uec_contact@uec.rutgers.edu
 2. By calling the [Rutgers Compliance Hotline](#)

3. By submitting an online report: <https://uec.rutgers.edu/compliance-hotline/>
 - b. Grievances must be submitted in any of the ways outlined above within 60 days of the date the patient becomes aware of the alleged discriminatory action. The grievance should include the name of the patient, name of person filing the grievance, date, location of where the alleged event occurred, a description of the alleged violation, and the remedy or relief sought.
 - c. A copy of the complaint received by UEC will be forward to the 1557 Coordinator (or her/his designee), who shall then review the patient's record for documentation and determine if the grievance has any merit.
 - d. The local units will provide any support or information requested by the 1557 Coordinator. The 1557 Coordinator shall provide a written summary of the outcome. The 1557 Coordinator will advise the patient of the outcome of the grievance based on the preponderance of evidence found in the patient record no later than 30 days after the date the grievance was filed. The patient notice shall advise the patient of their right to pursue further administrative or legal remedies.
 - e. The person filing the grievance may appeal the outcome in writing to University Ethics and Compliance requesting an appeal of the decision. UEC will conduct a review of the materials provided by the 1557 Coordinator, and perform an investigation into the allegations as appropriate. At the conclusion of this review, UEC will provide a copy of all documentation to the Vice President of Health Affairs at Rutgers University. The Vice President of Health Affairs at Rutgers University will provide a written response to UEC and the complainant within 30 days of receipt of the request for appeal.

In accordance with Section 1557, the patient and /or their authorized representative shall be advised that the availability and use of this grievance procedure does not prevent a person from pursuing other legal or administrative remedies, including filing a complaint of discrimination on the basis of race, color, national origin, sex, age, or disability in court or with the United States Department of Health and Human Services Office for Civil Rights. A person can file a complaint of discrimination electronically through the Office for Civil Rights Complaint Portal, which is available at: <https://ocrportal.hhs.gov/ocr/portal/lobby.jsf>, or by mail or phone at:

Centralized Case Management Operations
United States Department of Health and Human Services
200 Independence Avenue, SW
Room 509F, HHH Building
Washington, D.C. 20201
(800) 368-1019

Complaint forms are available at <http://www.hhs.gov/ocr/office/file/index.html>. Such complaints must be filed within 180 days of the date of the alleged discrimination.