LIBERTY DENTAL PLAN®

Affordable Care Act, Section 1557

After this training you will…

1. Understand the civil rights provision of the Affordable Care Act of 2010 (Section 1557)
2. Be able to identify the key Provisions of the Final Rule
3. Be able to name the LIBERTY's Civil Rights Coordinator
4. Know where to locate the enrollee notifications for Section 1557
5. Understand the grievance process for suspected discrimination

What is Section 1557?

Section 1557 is the nondiscrimination provision of the Affordable Care Act (ACA). The law prohibits discrimination based on **race, color, national origin, sex, age, or disability** in health programs or activities that receive Federal financial assistance or are administered by an Executive agency or any entity established under Title I of the ACA.

Section 1557 has been in effect since the enactment of the ACA in 2010. Since that time, the Office for Civil Rights (OCR) has been receiving and investigating discrimination complaints under Section 1557.

The **Final Rule** was implemented in May of 2016, requiring covered entities to comply with the rule's requirements: posting notices of consumer rights and taglines; accessibility standards for buildings not previously covered by the Americans with Disabilities Act; and design changes to health coverage.

Section 1557 extends nondiscrimination protections to individuals participating in:

ANY HEALTH PROGRAM OR ACTIVITY ANY PART OF WHICH RECEIVED FUNDING FROM HHS

ANY HEALTH PROGRAM OR ACTIVITY THAT HHS ITSELF ADMINISTERS

HEALTH INSURANCE MARKETPLACES AND ALL PLANS OFFERED BY ISSUERS THAT PARTICIPATE IN THOSE MARKETPLACES.

Final Rule on Section 1557

OCR issued the final rule to **educate consumers about their rights** and to **help covered entities understand their legal obligations** under Section 1557. The final rule builds on the standards of the four Federal civil rights laws referenced in Section 1557 and their implementing regulations:

- Title VI of the Civil Rights Act of 1964
- Title IX of the Education Amendments of 1972
- Section 504 of the Rehabilitation Act of 1973
- The Age Discrimination Act of 1975

Among other things, the final rule implements prohibitions against sex discrimination in federally funded health care programs and establishes standards that apply to the Health Insurance Marketplaces and health programs administered by HHS.

Section 1557 Prohibits

The final rule **prohibits LIBERTY from discriminating based on race, color, national origin, sex, age or disability when providing or administering health-related insurance or other health-related coverage**. This prohibition applies to all health insurance issuers that are recipients of Federal financial assistance, which includes premium tax credits and cost sharing reductions associated with coverage offered through the Health Insurance Marketplaces or Medicare Parts A, C and D payments.

Under the final rule, **LIBERTY cannot: deny, cancel, limit, or refuse to issue or renew a health related insurance policy or other health-related coverage; deny or limit coverage of a claim, or impose additional cost sharing or other limitations or restrictions; or employ marketing practices or benefit designs that discriminate on the basis of race, color, national origin, sex, age, or disability.** The final rule does not require plans to cover any particular benefit or service or prohibit issuers from determining whether a particular health service is medically necessary, but LIBERTY cannot have a coverage policy that operates in a discriminatory manner.

LIBERTY DENTAL PLAN

Key Provisions of Section 1557

PROTECTING INDIVIDUALS AGAINST DISCRIMINATION

ENSURING MEANINGFUL ACCESS FOR INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY (LEP)

ENSURING EFFECTIVE COMMUNICATIONS W/ AND ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES

Protecting Individuals Against Sex Discrimination

Section 1557 builds on prior Federal civil rights laws to prohibit sex discrimination in health care. The final rule requires that women be treated equally with men in the health care they receive and also prohibits the denial of health care or health coverage based on an individual's sex, including discrimination based on pregnancy.

<u>Protections against Sex Discrimination</u>

- **Individuals cannot be denied health care or health coverage based on their sex.**
- **Women must be treated equally with men in the health care they receive and the insurance they obtain.**
- **Sex-specific health programs or activities are permissible only if the entity can demonstrate an exceedingly persuasive justification. For example, that the sex-specific health program or activity is substantially related to the achievement of an important health-related or scientific objective.**

Individuals with limited English proficiency (LEP)

The final rule makes clear that the prohibition on national origin discrimination requires LIBERTY to take reasonable steps to provide meaningful access to each individual with limited English proficiency who is eligible to be served or likely to be encountered within LIBERTYs' health programs and activities. An individual with limited English proficiency is a person whose primary language for communication is not English and who has a limited ability to read, write, speak, or understand English.

<u>Protections for Individuals with Limited English Proficiency</u>

- Reasonable steps include LIBERTY's language assistance services, such as oral interpretation and written translation.
- LIBERTY is required to post a notice of individuals' rights providing information about communication assistance for individuals with limited English proficiency, among other information.
- In each state, LIBERTY posts taglines in the top 15 languages spoken by individuals with limited English proficiency in that state that indicate the availability of language assistance.
- LIBERTY is high quality video remote interpreting services and relies on qualified staff, translators when providing language assistance services.
- LIBERTY has developed and implement a language access plan to ensure we are prepared to take reasonable steps to provide meaningful access to each individual that may require assistance.

LIBERTY DENTAL PLAN

Effective Communication with & Accessibility for Individuals with Disabilities

Section 1557 requires LIBERTY to take appropriate steps to ensure that communications with individuals with disabilities are as effective as communication with others. Section 1557 also requires LIBERTY to provide appropriate auxiliary aids and services, such as alternative formats and sign language interpreters, where necessary for effective communication.

Protections for Individuals with Disabilities

- LIBERTY must post a notice of individuals' rights, providing information about communication assistance among other information.
- LIBERTY is required to make all programs and activities provided through electronic and information technology accessible to individuals with disabilities, unless doing so would impose undue financial or administrative burdens or would result in a fundamental alteration in the nature of the covered entity's health program or activity.
- Section 1557 incorporates the 2010 Americans with Disabilities Act Standards for Accessible Design as the standards for physical accessibility of new construction or alteration of buildings and facilities. Almost all covered entities are already required to comply with these standards.
- LIBERTY cannot use marketing practices or benefits designs that discriminate on the basis of disability.
- LIBERTY must make reasonable changes to policies, practices and procedures where necessary to provide equal access for individuals with disabilities unless the covered entity can demonstrate that making the changes would fundamentally alter the nature of the health program or activity.

Procedural Requirements

Under Section 1557 of the Affordable Care Act (ACA)

Non-Discrimination Notice (NDN) and Accessibility of Services

LIBERTY DENTAL PLAN

Discrimination is against the law. LIBERTY Dental Plan ("LIBERTY") follows State and Federal civil rights laws. LIBERTY does not unlawfully discriminate, exclude people, or treat them differently because of sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, gender, gender identity, or sexual orientation.

LIBERTY provides:

- Free aids and services to people with disabilities to help them communicate better, such as:
  - ✓ Qualified sign language interpreters
  - ✓ Written information in other formats (large print, audio, accessible electronic formats, other formats)
- Free language services to people whose primary language is not English, such as:
  - ✓ Qualified interpreters
  - ✓ Information written in other languages

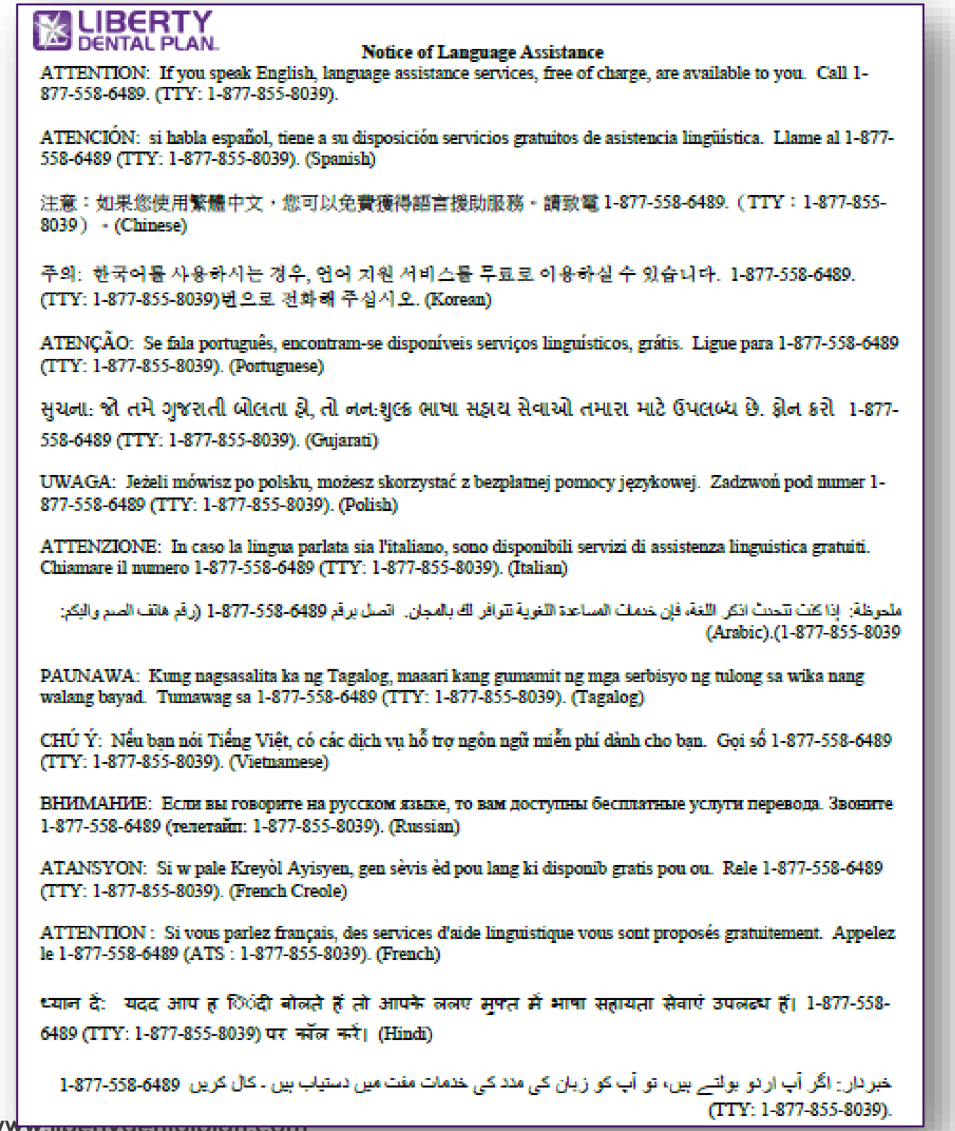
If you need these services, please contact us between 8 a.m. to 5 p.m (PST) by calling (888) 703-6999. Or, if you cannot hear or speak well, please call (800) 735-2929

The final rule requires that covered entities post notices of nondiscrimination and taglines that alert individuals with limited English proficiency to the availability of language assistance services.

LIBERTY's NDN is in the MEMBER Forms and Literature section www.libertydentalplan.com

The nondiscrimination statement for significant publications and signification communications that are small-size is below:

LIBERTY Dental Plan complies with applicable Federal civil rights laws and does not discriminate on the basis of race, color, national origin, age, disability, or sex.



Notice of Language Assistance

ATTENTION: If you speak English, language assistance services, free of charge, are available to you. Call 1-877-558-6489. (TTY: 1-877-855-8039).

ATENCIÓN: si habla español, tiene a su disposición servicios gratuitos de asistencia lingüística. Llame al 1-877-558-6489 (TTY: 1-877-855-8039). (Spanish)

注意：如果您使用繁體中文，您可以免費獲得語言援助服務。請致電 1-877-558-6489.（TTY：1-877-855-8039）。(Chinese)

주의: 한국어를 사용하시는 경우, 언어 지원 서비스를 무료로 이용하실 수 있습니다. 1-877-558-6489. (TTY: 1-877-855-8039)번으로 전화해 주십시오. (Korean)

ATENÇÃO: Se fala português, encontram-se disponíveis serviços linguísticos, grátis. Ligue para 1-877-558-6489 (TTY: 1-877-855-8039). (Portuguese)

સુચના: જો તમે ગુજરાતી બોલતા હો, તો નિ:શુલ્ક ભાષા સહાય સેવાઓ તમારા માટે ઉપલબ્ધ છે. ફોન કરો 1-877-558-6489 (TTY: 1-877-855-8039). (Gujarati)

UWAGA: Jeżeli mówisz po polsku, możesz skorzystać z bezpłatnej pomocy językowej. Zadzwoń pod numer 1-877-558-6489 (TTY: 1-877-855-8039). (Polish)

ATTENZIONE: In caso la lingua parlata sia l'italiano, sono disponibili servizi di assistenza linguistica gratuiti. Chiamare il numero 1-877-558-6489 (TTY: 1-877-855-8039). (Italian)

ملحوظة: إذا كنت تتحدث اذكر اللغة، فإن خدمات المساعدة اللغوية تتوافر لك بالمجان. اتصل برقم 1-877-558-6489 (رقم هاتف الصم والبكم: 1-877-855-8039).(Arabic)

PAUNAWA: Kung nagsasalita ka ng Tagalog, maaari kang gumamit ng mga serbisyo ng tulong sa wika nang walang bayad. Tumawag sa 1-877-558-6489 (TTY: 1-877-855-8039). (Tagalog)

CHÚ Ý: Nếu bạn nói Tiếng Việt, có các dịch vụ hỗ trợ ngôn ngữ miễn phí dành cho bạn. Gọi số 1-877-558-6489 (TTY: 1-877-855-8039). (Vietnamese)

ВНИМАНИЕ: Если вы говорите на русском языке, то вам доступны бесплатные услуги перевода. Звоните 1-877-558-6489 (телетайп: 1-877-855-8039). (Russian)

ATANSYON: Si w pale Kreyòl Ayisyen, gen sèvis èd pou lang ki disponib gratis pou ou. Rele 1-877-558-6489 (TTY: 1-877-855-8039). (French Creole)

ATTENTION : Si vous parlez français, des services d'aide linguistique vous sont proposés gratuitement. Appelez le 1-877-558-6489 (ATS : 1-877-855-8039). (French)

ध्यान दें: यदि आप हिंदी बोलते हैं तो आपके लिए मुफ्त में भाषा सहायता सेवाएं उपलब्ध हैं। 1-877-558-6489 (TTY: 1-877-855-8039) पर कॉल करें। (Hindi)

خبردار: اگر آپ اردو بولتے ہیں، تو آپ کو زبان کی مدد کی خدمات مفت میں دستیاب ہیں ۔ کال کریں 1-877-558-6489 (TTY: 1-877-855-8039).

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Those requirements are modified for small sized significant communications such as postcards; for these, the final rule requires entities to post a nondiscrimination statement and taglines in at least the top two non-English languages spoken by individuals with limited English proficiency in the State.

LIBERTY's NOLA is located in the MEMBER Forms and Literature section of www.libertydentalplan.com

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Grievance Process and Civil Rights Coordinator

The final rule implementing Section 1557 requires LIBERTY to have a grievance procedure and a compliance coordinator.

Civil Rights Coordinator:
SYDNEY LEE

LIBERTY's Grievance Form is located in the MEMBER Forms and Literature section of www.libertydentalplan.com

OFFICE OF CIVIL RIGHTS – U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

If you believe you have been discriminated against on the basis of race, color, national origin, age, disability or sex, you can also file a civil rights complaint with the U.S. Department of Health and Human Services, Office for Civil Rights by phone, in writing, or electronically:

- By phone: Call **1-800-368-1019**. If you cannot speak or hear well, please call **TTY/TDD 1-800-537-7697**.
- In writing: Fill out a complaint form or send a letter to:

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

  Complaint forms are available at http://www.hhs.gov/ocr/office/file/index.html.
- Electronically: Visit the Office for Civil Rights Complaint Portal at https://ocrportal.hhs.gov/ocr/portal/lobby.jsf.

LIBERTY's HIPAA Privacy Notice provides you with information about your rights and our legal duties and privacy practices with respect to Protected Health Information (PHI), including how we use and disclose your PHI. You can always request a written copy of our most current privacy notice from LIBERTY's Privacy Officer by calling 888.704.9833, or online at: www.libertydentalplan.com/HIPAA-Privacy-Notice

HOW TO FILE A GRIEVANCE

If you believe that LIBERTY has failed to provide these services or unlawfully discriminated in another way on the basis of sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, gender, gender identity, or sexual orientation, you can file a grievance with LIBERTY's Civil Rights Coordinator. You can file a grievance by phone, in writing, in person, or electronically:

- By phone: Contact LIBERTY's Civil Rights Coordinator, Monday through Friday, 8 a.m to 5 p.m (PST) by calling 888-704-9833. Or if you cannot hear or speak well, please call (800) 735-2929.
- In writing: Fill out a complaint form or write a letter and send it to:

  P.O. Box 26110
  Santa Ana, CA 92799
- In person: Visit your doctor's office or LIBERTY Dental Plan and say you want to file a grievance.
- Electronically: Visit LIBERTY Dental Plan website at https://www.libertydentalplan.com

Training Recap

Understand the civil rights provision of the Affordable Care Act of 2010 (Section 1557):

Section 1557 is the nondiscrimination provision of the Affordable Care Act (ACA). The law prohibits discrimination on the basis of **race, color, national origin, sex, age, or disability** in health programs or activities that receive Federal financial assistance or are administered by an Executive agency or any entity established under Title I of the ACA.

Be able to identify the key Provisions of the Final Rule:

Protecting Individuals against Discrimination

Ensuring Meaningful Access for Individuals with Limited English Proficiency (LEP)

Ensuring Effective Communications w/ and Accessibility for Individuals with Disabilities

Be able to name the LIBERTY's Civil Rights Coordinator:

Sydney Lee

Know where to locate the enrollee notifications for Section 1557:

- **www.libertydentalplan.com member forms section**

Understand the grievance process for suspected discrimination:

Anyone may file a grievance for suspected discrimination by contacting the Civil Rights Coordinator or by

File Complaint directly with the OCR online or in writing