

A New Law for Hospitals; Discrimination; Interpreter and More: Complying with Section 1557: OCR and CMS Hospital CoPs

Sue Dill Calloway RN MSN JD

Sdill1@columbus.rr.com

Overview

This webinar will discuss a law that applies to hospitals and other healthcare providers. It addresses a civil rights law for healthcare providers and others and addresses nondiscrimination, required signs and notices, interpreters, and more under Section 1557 of the Affordable Care Act. It forbids discrimination based on sex, race, color, national origin, age, and disability. It builds on long standing and familiar Federal civil rights laws. This is the first law to prohibit discrimination on the basis of sex (which includes gender, gender identity and sex stereotyping) in covered health programs and activities. Sex discrimination also includes discriminatory treatment on the basis of pregnancy, false pregnancy, termination of pregnancy, recovering from pregnancy, childbirth and related medical conditions, sex stereotyping, and gender identity.

This program will also cover the CMS proposed changes to the hospital CoPs to implement this new law under the Hospital Improvement Act. CMS noted there were no prohibitions in the hospital CoPs on gender identities which can be a barrier to seeking care. Numerous studies have shown the impact or the perceived discrimination when seeking care. Many reports, including an IOM report, found that many lesbian, gay, bisexual, and transgender people refrain from disclosing sexual orientation or gender to their health care provider. Hospitals are required to have a policy on nondiscrimination and must educate their staff. Patients must be notified in a language they can understand and how to file a complaint if they encounter discrimination. Interpreters must be qualified and this will be explained.

This program will help meet the education requirements to ensure your employees know and follow this law. Have you made the required policy changes? Has staff been educated on these new policies which includes physicians and mid level providers? Do you have the requisite sign posted? Do you provide information contained in the 15 or so taglines so patients are aware of their right to an interpreter. Have you designated an employee (civil rights coordinator) to work with patients who file a grievance? Case scenarios will be discussed. Resources will provided such as a list of each state's 15 taglines and OCR has these in 64 languages. Sample notice to be posted and sample grievance procedure will also be provided.

Who Should Attend?

Risk Manager, Patient Advocates, Consumer Advocates, Healthcare Attorneys, Compliance Officer, Chief Medical Officer, CEO, COO, CNO, Nurse Managers, ED Managers, Physicians, Mid Levels, Policy Committee, Nurses, Nurse Supervisors, Director of Registration, Director of Physician Office Practices, human Resources, Person in charge of Interpreting Services, Director of Education, and anyone else involved in complying with federal laws and the hospital CoPs.

Objectives

- Recall that CMS has proposed changes to the hospital CoPs regarding the Section 1557 rules on nondiscrimination
- Discuss that hospitals are required to post a sign regarding nondiscrimination
- Describe that the hospital must 15 taglines so patients are aware they are entitled to an interpreter at no cost
- Recall that the Office of Civil Rights is the main enforcer of Section 1557
- Discuss that the hospital must have a person in charge to work with patients who file a grievance related to nondiscrimination

