

DST POLICIES AND PROCEDURES

DST Reference:	SHP-PRO-1005-SHP
Title:	Section 1557 Grievance Procedure
Cross Reference:	
Chapter:	Healthcare Compliance
Current Effective Date:	7/15/2016
Revision History:	
Original Effective Date:	7/15/2016

Applies to: NC Department of State Treasurer – SHP

Keywords: 1557, Grievance Procedure, Discrimination, Race, Color, National Origin, Sex, Gender, Age, Disability, Investigation,

Background

The North Carolina State Health Plan for Teachers and State Employees (SHP) is committed to complying with all applicable laws and regulations and adhering to the highest ethical standards in its undertaking to provide health benefits to its eligible population. The SHP receives funding from the Department of Health and Human Services through the Retiree Drug Subsidy Program. Therefore, SHP is subject to Section 1557 of the Affordable Care Act (42 U.S.C. 18116) and its implementing regulations at 45 CFR part 92, issued by the U.S. Department of Health and Human Services. Section 1557 prohibits discrimination on the basis of race, color, national origin, sex, age, or disability in certain health programs and activities. Part 92 requires SHP to designate a responsible employee and a grievance procedure to resolve grievances alleging any action that would be prohibited by Section 1557 or Part 92.

Purpose

The purpose of this procedure is to designate a responsible employee and establish a Grievance Procedure to reduce risk, foster a culture of inclusion and compliance, and meet federal requirements.

Related Statutes, Rules, and Policies

1. 42 U.S.C. 18116
2. 45 CFR 92

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Procedure

SHP shall designate a responsible employee and establish and maintain a grievance procedure so that 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. It is against the law for SHP to retaliate against anyone who opposes discrimination, files a grievance, or participates in the investigation of a grievance.

Procedure:

- Grievances must be submitted to the Section 1557 Coordinator within 60 days of the date the person filing the grievance becomes aware of the alleged discriminatory action.
- A complaint must be in writing, containing the name and address of the person filing it. The complaint must state the problem or action alleged to be discriminatory and the remedy or relief sought.
- The Section 1557 Coordinator shall conduct an investigation of the complaint. This investigation may be informal, but it will be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint. The Section 1557 Coordinator will maintain the files and records of SHP relating to such grievances. To the extent possible, and in accordance with applicable law, the Section 1557 Coordinator will take appropriate steps to preserve the confidentiality of files and records relating to grievances and will share them only with those who have a need to know.
- The Section 1557 Coordinator will issue a written decision on the grievance, based on a preponderance of the evidence, no later than 30 days after its filing, including a notice to the complainant of their right to pursue further administrative or legal remedies.
- The person filing the grievance may appeal the decision of the Section 1557 Coordinator by writing to the Executive Administrator within 15 days of receiving the Section 1557 Coordinator's decision. The Executive Administrator shall issue a written decision in response to the appeal no later than 30 days after its filing.

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

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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.

SHP will 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, respectively, if needed to participate in this grievance process. Such arrangements may include, but are not limited to, providing qualified interpreters, providing taped cassettes (or other electronic means) of material for individuals with low vision, or assuring a barrier-free location for the proceedings. The Section 1557 Coordinator will be responsible for such arrangements.

Nature of the Procedure

The Policy serves as a nonbinding interpretative statement, within the delegated authority of the Department of State Treasurer that defines, interprets, or explains the meaning of the laws and/or regulations listed above. Those laws or regulations, not this Policy, shall take priority if they conflict in any way.

This Policy sets forth criteria or guidelines to be used by Department of State Treasurer staff in performing audits, investigations, or inspections.

Implementation

SHP shall disseminate the attached external-facing procedure (Attachment A) to its members, shall maintain an employee designated as Section 1557 Coordinator, and shall adopt and execute this internal grievance procedure for providing 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 U.S. Department of Health and Human Services.

Enforcement

The Executive Administrator/Deputy Treasurer (EA/DT) shall have authority to interpret and apply this policy and procedure. This policy and procedure may be modified or amended at any time as approved by the EA/DT. Failure to comply with this policy could result in disciplinary action up to and including dismissal. The Compliance Officer will work with Human Resources, Legal, and Senior Management to assess the situation and recommend appropriate disciplinary action.

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Revision History

This section is required. Outline the version history, approval date(s), and provide a brief description of changes in table format.

Version/Revision	Date Approved	Description of Changes
V1.0	7/15/2016	New

For questions or clarification on any of the information contained in this policy, please contact the policy owner or designated contact point: Chris Almborg, chris.almborg@nctreasurer.com. For general questions about department-wide policies and procedures, contact the [DST Policy Coordinator](#).

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ATTACHMENT A

SECTION 1557 GRIEVANCE PROCEDURE

It is the policy of the North Carolina State Health Plan for Teachers and State Employees (SHP) not to discriminate on the basis of race, color, national origin, sex, age, or disability. SHP 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 U.S. Department of Health and Human Services. 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 Chris Almborg, (Section 1557 Coordinator, 3200 Atlantic Avenue, Raleigh, NC 27604, (919) 814-4428, TTY number—711, Fax - 919-855-5815, email - Chris.Almborg@nctreasurer.com), who has been designated to coordinate the efforts of SHP to comply with Section 1557.

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. It is against the law for SHP to retaliate against anyone who opposes discrimination, files a grievance, or participates in the investigation of a grievance.

Procedure:

- Grievances must be submitted to the Section 1557 Coordinator within 60 days of the date the person filing the grievance becomes aware of the alleged discriminatory action.
- A complaint must be in writing, containing the name and address of the person filing it. The complaint must state the problem or action alleged to be discriminatory and the remedy or relief sought.
- The Section 1557 Coordinator (or her/his designee) shall conduct an investigation of the complaint. This investigation may be informal, but it will be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint. The Section 1557 Coordinator will maintain the files and records of SHP relating to such grievances. To the extent possible, and in accordance with applicable law, the Section 1557 Coordinator will take appropriate steps to preserve the confidentiality of files and records relating to grievances and will share them only with those who have a need to know.
- The Section 1557 Coordinator will issue a written decision on the grievance, based on a preponderance of the evidence, no later than 30 days after its filing, including a notice to the complainant of their right to pursue further administrative or legal remedies.
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