

Policy Title: Non-Discrimination			
Department Responsible: THN ACO Operations	Policy Number: CPE-004	THN's Effective Date: January 1, 2022	Next Review/Revision Date: September 30, 2024
Title of Person Responsible: The Assistant Director ACO Operations	THN Approval Council: Operations Committee	Date Approved: June 8, 2023	

- I. **Purpose.** The purpose of CPE-004 is to describe Triad HealthCare Network's (THN's) prohibition on discrimination based on race, color, national origin, sex, age, mental or physical disability, health status, receipt of health care, claims experience, medical history, genetic information, evidence of insurability, geographic location, or income in its health programs or activities.

- II. **Policy.** THN does not discriminate and does not tolerate discrimination by THN Related Individuals, based on race, color, national origin, sex, age, mental or physical disability, health status, receipt of health care, claims experience, medical history, genetic information, evidence of insurability, geographic location, or income in its health programs or activities.

- III. **Procedure.**
 - A. THN Related Individuals, directly or through contractual or other arrangements, may not act such that individuals are subjected to discrimination on the basis of race, color, national origin, sex, age, mental or physical disability, health status, receipt of health care, claims experience, medical history, genetic information, evidence of insurability, geographic location, or income, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program.
 - B. THN may not select a facility site with the intention of excluding individuals from, denying them the benefits of, or subjecting them to discrimination under any programs.
 - C. THN may only operate a sex-specific health program or activity if it can demonstrate an exceedingly persuasive justification that the program is substantially related to the achievement of an important health-related or scientific objective for a particular sex but not the other.
 - D. THN should ensure appropriate auxiliary aids and services are available, including qualified interpreters for individuals with disabilities and information in alternative formats, free of charge, and in a timely



manner, when such aids and services are necessary to ensure an equal opportunity to participate.

- E. THN ensures appropriate language assistance services, including translated documents and oral interpretations, free of charge and in a timely manner, when such services are necessary to provide meaningful access to individuals with limited English proficiency.
1. A qualified interpreter shall be offered to any individual with limited English proficiency when oral interpretation is a reasonable step to provide meaningful access for the individual.
 2. A qualified translator shall be used when translating written content in paper or electronic form.
 3. THN shall not:
 - a. Require the individual to provide their own translator;
 - b. Rely on an adult accompanying the individual to interpret or facilitate communication; **except** (i) in an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no qualified interpreter immediately available; **or** (ii) where the individual specifically requests that the adult interpret or facilitate communication, the adult agrees to provide such assistance, and reliance on that adult is appropriate under the circumstances;
 - c. Rely on a minor child to interpret or facilitate communication; **except** in an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no qualified interpreter for the individual immediately available; nor
 - d. Rely on staff other than qualified bilingual/multilingual staff.
 4. THN Workforce shall post a Nondiscrimination Notice in English and post Translation Taglines in the top 15 non-English languages spoken by at least 5 percent of individuals in North Carolina. The Notice and Taglines must be posted in:
 - a. A readable font size in a conspicuous location of the covered entity's website, accessible from the home page.
 - b. A conspicuous physical location where the entity interacts with the public as defined in Section 1557, 92.8 (f)(1)(i)-(iii) of the Affordable Care Act (ACA).
 - c. Significant communications and publications, which include:
 - i. All marketing materials;



- ii. Ad hoc enrollee communications that include information related to health coverage, benefits, and prescription drug coverage;
 - iii. Annual Notice of Change (ANOC)/Evidence of Coverage (EOC);
 - iv. Provider/pharmacy directories,
 - v. Part C and Part D Explanation of Benefits (EOB);
 - vi. Formularies;
 - vii. Enrollment forms;
 - viii. Summary of Benefits; and
 - ix. Appeals and grievance notices.
- d. Significant publications that are small size, such as trifold brochures, shall include a nondiscrimination statement and taglines in at least the top 2 non-English languages spoken by at least 5 percent of individuals with limited English proficiency in North Carolina.
- e. All marketing materials shall include a tagline to inform individuals with limited English proficiency of language assistance services. It shall read, “Attention: If you speak [insert language], language assistance services, free of charge, are available to you.” The phone number to access these services shall be provided.
5. Each covered entity shall take appropriate initial and continuing steps to notify beneficiaries, enrollees, applicants, and members of the public of the following:
- a. An identification of, and contact information for, the responsible employee designated to investigate grievances and coordinate the entity’s compliance;
 - b. The availability of the grievance procedure and how to file a grievance; and
 - c. How to file a discrimination complaint with the Office for Civil Rights (OCR).

Date	Reviewed	Revised	Notes
January 1, 2022			Originally Published
August 2022	X		No changes
May 2023	X		Reviewed for REACH – no changes