

 **Policy Updates within ACA Section 1557**

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Overview: On October 17, 2016 compliance with Section 1557 of the Affordable Care Act went into effect. Section 1557 is the nondiscrimination provision of the Affordable Care Act (ACA). The new rule prohibits discrimination on the basis of race, color, national origin, sex, age, or disability in health programs or activities that receive federal financial assistance from Health and Human Services. Examples of these covered entities would be hospitals, health clinics, physicians' practices, community health centers, nursing homes, rehabilitation centers and other similar institutions. HHS notes that federal financial assistance "includes grants, property, Medicaid, Medicare Parts A, C and D payments, and tax credits and cost-sharing subsidies under Title I of the ACA."

Section 1557 has been in effect since enactment of the ACA, however the final rule of Section 1557 was finalized in July of 2016. Section 1557 builds upon earlier federal civil rights laws of the 1960s and 1970s. Like many organizations, Surgery Partners is committed to maintaining an environment that is free from the discrimination outlined in Section 1557. One of the more challenging issues for health care providers under Section 1557 is new language assistance requirements for treating Limited English Proficiency (LEP) patients.

Under the new rule, providers must "take reasonable steps to provide meaningful access to each individual with LEP eligible to be served or likely to be encountered in its health programs and activities." The rule requires among several things for the posting of Notices of Non-Discrimination in English and alternate languages based on the top languages spoken in that state as determined by the US Census Bureau. Taglines, or short phrases regarding language assistance notices, must also be posted in facilities in the top 15 spoken languages for the state. In addition, language translation services must be provided to the patient upon request. We have already begun working with our facilities to comply with these facility postings. We have also begun working with the IT and marketing department to have these notices posted to facility websites.

Many facilities have also begun identifying a couple of translation service vendors contracted with our group purchasing organization. Michele Simon and the Supply Chain team have helped identify cost savings opportunities for facilities who use these GPO vendors. While many facilities will only use translation services on an as needed basis, the GPO pricing will provide a 75% savings over a popular commercial service many people were familiar with or were using in the past. Many facilities have already set up accounts with the GPO vendor should additional translation services become necessary in the future.

Currently the US Health and Human Services' Office of Civil Rights is responsible for compliance with the requirements of Section 1557. The OCR "investigates complaints from the public alleging discrimination in health services and health coverage". Additional information on the new rule can be found at the Health and Human Services website on Section 1557 at <https://www.hhs.gov/civil-rights/for-individuals/section-1557>.

If you have any questions or concerns, please feel free to contact Julie Lewis (jlewis@surgerypartners.com) or Mike Schroeder (mschroeder@surgerypartners.com).