

Otsego County Chapter NYSARC, Inc.

- I. POLICY TYPE: Grievance Policy**
POLICY TITLE: 1. Grievance Policy and Procedure
REFERENCE: Section 1557 of the Affordable Care Act (42 U.S.C. 18166), Title VI of the Civil Rights Act of 1964.
Adopted 1/19/17 – Updated 9/18/17
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It is the policy of The Arc Otsego not to discriminate on the basis of race, religion, color, sex (including pregnancy, gender identity, and sexual orientation), parental status, national origin, age, disability, family medical history or genetic information, political affiliation, or military service. The Arc Otsego complies with federal and state discrimination laws.

Accordingly:

1. The Arc Otsego has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Title VI of the Civil Rights Act of 1964 or 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.
2. Section 1557 and its implementing regulations may be examined in the office of Winn Wolfe, Director of Corporate Compliance/QA, PO Box 490, Oneonta, NY 13820, 607-433-8445, 607-433-8430, wolfew@arcotsego.org, who has been designated to coordinate the efforts of The Arc Otsego to comply with Section 1557.
3. 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 The Arc Otsego to retaliate against anyone who opposes discrimination, files a grievance, or participates in the investigation of a grievance.
4. Procedure:
 - Grievances must be submitted to the Director of Corporate Compliance/QA 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 Director of Corporate Compliance/QA (or a 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 Director of Corporate Compliance/QA will maintain the files and records of The Arc Otsego relating to such grievances. To the extent possible, and in accordance with applicable law, the Director of Corporate Compliance/QA 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 Director of Corporate Compliance/QA 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 Director of Corporate Compliance/QA by writing to the Executive Director within 15 days of receiving the decision. The Executive Director 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.
5. 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.
 6. The Arc Otsego 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 of material for individuals with low vision, or assuring a barrier-free location for the proceedings. The Director of Corporate Compliance/QA will be responsible for such arrangements.
 7. A Notice Requirement will be available at all sites.