

Policy / Procedure :

Patient Non-Discrimination

KEY TERMS: Accommodation, ADA, Gender, Grievance, Protected Class, Visitation, Section 1557

I. PURPOSE:

Carilion Clinic complies with all applicable Federal and State laws and regulations prohibiting discrimination, and does not exclude, deny access or the benefits of health care, or otherwise discriminate against patients on the basis of race, color, ethnicity, national origin, disability, age, sex, religion, genetic information, veteran status, or citizenship.

II. SCOPE/FACILITY/DEPARTMENT(S):

This Policy applies to all Carilion Clinic employees, entities, and locations, as well as entities and organizations contracted by Carilion Clinic.

III. POLICY STATEMENT(S)

It is the expectation of Carilion Clinic that employees will not unlawfully discriminate against patients, rather provide respectful, appropriate, and professional care and treatment to all patients in admission to, participation in, or receipt of, the services and benefits under any Carilion Clinic program or activity.

IV. PROCEDURE:

A. General Provisions

- I. Employees must provide all patients with impartial access to treatment or accommodation that are available and medically indicated, consistent with patient rights and choice practices.**
- II. Employees must act with professionalism, treating patients with respect, and staff must not speak or act despairingly regarding a person's protected class.
- III. An employee that violates these expectations, by engaging in discrimination, acts inconsistently with Carilion Clinic values as reflected in the Code of Excellence, and is subject to action in accordance with the Human Resources *Disciplinary Action Policy*.
- IV. In conjunction with the *Grievance Procedure: Claims of Section 1557 Discrimination Policy*, The Compliance Office investigates and attempts to resolve reported allegations of patient discrimination.

- V. In accordance with Section 1557 of the Accountable Care Act, Carilion Clinic publicly discloses the mechanism under which patients, and others, may report perceived patient discrimination.
- VI. Compliance staff will consult with Human Resources in circumstances where evidence indicates an employee engaged in patient discrimination, in order to promote effective, proportional, and consistent organizational action. Compliance will also evaluate organizational procedures and processes to promote practices which prevent patient discrimination.
- VII. Should an employee believe that patient discrimination has occurred, or is occurring, they should notify their manager and Compliance.
- VIII. Carilion Clinic leaders have an affirmative obligation to prevent patient discrimination.
- IX. In conditions of uncertainty, staff members are expected to contact their manager, Compliance, or Legal Services, to assure the Organization does not engage in patient discrimination.
- X. In the absence of specific circumstances addressed within the following provisions of this Document, Section A.I of this Policy is intended to guide staff as they make decisions.

B. Impact Upon Visitation

- I. As referenced in Section C.IV below, a disabled patient has the right to access a designated support person at any time care is provided, and law expressly prohibits limiting this access through established hours of visitation.
- II. With the exception of Provision I of this section (B), staff should refer to visitation guidelines in effect at the time of patient care by Carilion Clinic, to assure employees do not discriminate against patients of a protected class through improper visitation practices.
- III. Carilion Clinic employees must allow patients to receive visitation and support from a practitioner or official of the religious denomination of their choice, if they elect to do so in lieu of, or in addition to, in-house clergy services.

C. Patients with a Disability

- I. Carilion Clinic staff often have a responsibility to accommodate the specific needs of a disabled patient.
- II. This accommodation decision requires that staff both identify the support needed by a patient and assess ways in which Carilion Clinic could provide that support.
- III. Exempting a circumstance in which the requested level of support is extraordinary, staff should not ask that a patient provide information intended to prove the existence of a disability.
- IV. A disabled patient has the right to access a designated support person that can aid them in comprehension and communication, physical and behavioral support, and management of unique needs as a result of their disability. *Patient Rights Regarding Designated Support Persons*, provides additional staff guidance regarding this regulatory requirement.

- V. Staff should document, within the patient's medical record, a disabled patient's identified needs, and the accommodation provided to meet those needs.
- VI. Service animals are a type of accommodation that may support the needs of a disabled individual. The *Service Animals Policy* provides additional guidance regarding this specific type of accommodation.

D. Language Translation

- I. Both disabled patients and non-English language communicators may require Carilion Clinic-provided translation to fully benefit from provided medical care.
- II. The failure of Carilion Clinic to provide translation services for these patients may result in a discrimination concern.
- III. Staff should reference the systemwide *Interpreters for Patient Communication Policy* for specific guidance in meeting patient translation needs.
- IV. In specific circumstances, Carilion Clinic translates documents that provide notice to, or obtain information from, patients.

E. Treatment of Patients with Specific Illnesses or Conditions

- I. Carilion Clinic provides staff with personal protective equipment (PPE) and training appropriate to protect employees from infectious disease transmission.
- II. Accordingly, a staff member that fails to provide, or providing inadequate, care may engage in discrimination, thereby acting improperly regarding this Policy.
- III. Should an employee believe that they do not have access to appropriate PPE or workplace training regarding infectious diseases, they should immediately contact a manager who shall ensure the staff member has access to appropriate PPE and relevant training, while confirming patient discrimination does not occur.
- IV. Carilion Clinic staff have a responsibility to care for patients in accordance with their job functions and standards of practice.

F. Gender Documentation

- I. Employees should rapidly document a patient's preferred name and gender, or any changes thereof, within the EPIC record.
- II. Staff should use the patient's current preferred name and gender during any interaction.
- III. While the patient may, and should be encouraged to, include their preferred name and gender on organizational forms, the patient's legal name must be provided on legal documents.
- IV. Staff should respectfully obtain information from patients as needed to assure safety and appropriate care.

G. Unusual Circumstances

- I. In times of resource limitations due to an unusual event (i.e., pandemic, disaster, etc.), the Federal and/or State government may issue guidance, allowances, or new regulations that affect standard organizational procedures.
- II. As changes may rapidly occur in the aforementioned circumstances, managers should remain aware of extra-organizational changes that impact Carilion Clinic operations, seeking clarifying information from, and responding to, Compliance guidance.

V. OTHER ISSUES / CONCERNS:

The Policy *Grievance Procedures: Claims of 1557 Discrimination*, provides other definitions consistent with and relevant to this Policy.

VI. DEFINITIONS:

Disability - A physical or mental impairment that substantially limits one or more major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment, as defined and construed in the Rehabilitation Act, 29 U.S.C. 705(9)(B), which incorporates the definition of disability in the ADA, 42 U.S.C. 12102, as amended.

Discrimination – For the purposes of this policy, discrimination is the unfair or unequal treatment of an individual, or group, based on the characteristics of race, color, ethnicity, national origin, disability, age, sex, religion, genetic information, veteran status, or citizenship.

VII. REFERENCES:

References

Federal:

Americans with Disability Act

Civil Rights Act of 1964 (Title VI)

Patient Protection and Affordable Care Act (Section 1557)

State:

Virginia Human Rights Act

VA 32.1-137.08. Medical care facilities; persons with disabilities; designated support persons

Organization:

Grievance Procedure: Claims of Section 1557 Discrimination Policy

Interpreters for Patient Communication Policy

Patient Rights Regarding Designated Support Persons Policy

Service Animals Policy

VIII. APPENDICES:

IX. APPROVALS: This P&P is a Systemwide Policy. Change can only be made with the approval of the appropriate committee below.

Facility	Dept. / Committee	Name / Title	Date
System	Carilion Clinic Executive Administration	Jeanne Armentrout Executive VP, Chief Administrative Officer Compliance Department	7-26-2021
CFMH			
CGCH			
CMC			
CNRV			
CRBH			

CTCH			