

## **Complying with OCR Section 1557: Discrimination; Interpreters, Required Signs, Assistive Devices, and More**

Laura A. Dixon, BS, JD, RN, CPHRM

This webinar will discuss a law that applies to all hospitals, including critical access hospitals, and other healthcare providers such as physician offices and nursing homes. The law addresses a civil rights law for healthcare providers and others and addresses nondiscrimination, required signs and notices, interpreters, and more under Section 1557 of the Affordable Care Act. It forbids discrimination based on sex, race, color, national origin, age, and disability. It builds on long standing and familiar Federal civil rights laws. This is the first law to prohibit discrimination based on sex (which includes gender, gender identity and sex stereotyping) in covered health programs and activities.

This program will discuss case law regarding several issues important to hospitals and the recent federal register with changes by the OCR to comply with these including not requiring hospitals to perform an abortion if against their religious beliefs and issues related to gender.

This program will also cover the CMS final changes to the hospital CoPs which discuss this law under the Hospital Improvement Rule. CMS noted there were no prohibitions in the hospital CoPs on gender identities which can be a barrier to seeking care. While CMS decided not to include the law in two separate places they can punt any issue to the OCR.

This webinar will also discuss some proposed changes to OCR Section 1557 and these proposed changes were 204 pages long. Also to be addressed are the recent changes regarding gender identity and the definition of sex discrimination.

Hospitals are required to have a policy on nondiscrimination and must educate their staff. Patients must be notified in a language they can understand and how to file a complaint if they encounter discrimination. Interpreters must be qualified and this will be explained.

This program will help meet the education requirements to ensure your employees know and follow this law. Resources will provide such as a list of each state's 15 taglines and OCR has these in 64 languages. Sample notice to be posted and sample grievance procedure will also be provided.

## **Agenda**

- Background, Court cases and OCR/CMS updates
- Interpreters
- Discrimination prevention
- 2 required signs
- Proposed changes
- Revision of complaint policy
- Required person to handle complaints
- Policies required
- Training required
- Assistive devices such as magnifying glasses
- Revised admission process
- OIG cases against hospitals

## **Suggested Attendees**

- Risk Manager
- Patient Advocates
- Consumer Advocates
- Healthcare Attorneys
- Compliance Officer
- Chief Medical Officer
- CEO
- COO
- CNO
- Nurse Managers
- ED Managers
- Physicians
- Mid-Levels
- Policy Committee
- Nurses
- Nurse Supervisors
- Director of Registration
- Director of Physician Office Practices
- Human Resources
- Person in charge of Interpreting Services
- Director of Education
- Anyone else involved in complying with federal laws and the hospital CoPs.

## **Objectives**

- Discuss that hospitals are required to post a sign regarding nondiscrimination
- Describe that the hospital must have a sign with 15 taglines so patients are aware they are entitled to an interpreter at no cost
- Recall that the Office of Civil Rights is the main enforcer of Section 1557
- Discuss that the hospital must have a person in charge to work with patients who file a grievance related to nondiscrimination

## **Continuing Education**

The Kentucky Hospital Research and Education Foundation is an approved Kentucky Board of Nursing continuing education provider. This offering number 5-0023-12-21-202 is approved for 2.4 contact hour(s). Participants must attend the entire session, complete the post-session evaluation, and provide nursing license number in order to receive contact hour and be awarded a certificate. No partial credit will be given. The Kentucky Board of Nursing Approval does not constitute endorsement of program content.

### **SPEAKER:** Laura A. Dixon, BS, JD, RN, CPHRM

Laura A. Dixon served as the Director, Facility Patient Safety and Risk Management and Operations for COPIC from 2014 to 2020. In her role, Ms. Dixon provided patient safety and risk management consultation and training to facilities, practitioners, and staff in multiple states. Such services included creation of and presentations on risk management topics, assessment of healthcare facilities; and development of programs and compilation of reference materials that complement physician-oriented products.

Ms. Dixon has more than twenty years of clinical experience in acute care facilities, including critical care, coronary care, peri-operative services, and pain management. Prior to joining COPIC, she served as the Director, Western Region, Patient Safety and Risk Management for The Doctors Company, Napa, California. In this capacity, she provided patient safety and risk management consultation to the physicians and staff for the western United States. Ms. Dixon's legal experience includes medical malpractice insurance defense and representation of nurses before the Colorado Board of Nursing.

As a registered nurse and attorney, Laura holds a Bachelor of Science degree from Regis University, RECEP of Denver, a Doctor of Jurisprudence degree from Drake University College of Law, Des Moines, Iowa, and a Registered Nurse Diploma from Saint Luke's School Professional Nursing, Cedar Rapids, Iowa. She is licensed to practice law in Colorado and California.