

Service

Labor & Employment

Deadline for ACA Nondiscrimination Posting Requirements Quickly Approaching

Beginning October 16, 2016, all covered entities under the Patient Protection and Affordable Care Act (ACA) must publicly post (1) notices describing the entity's nondiscrimination policies, and (2) taglines written in the 15 non-English languages most commonly spoken in the state where the covered entity does business that alert the reader to the availability of language assistance services.

ACA Section 1557

Section 1557, the nondiscrimination provision of the ACA, prohibits discrimination in certain health programs or activities on the basis of race, color, national origin, sex, age or disability. Any entity that operates a health program or activity that receives federal financial assistance of any kind is subject to Section 1557's requirements. Failure to comply may result in suspension or termination of this assistance, among other penalties.

Posting Requirements

Among Section 1557's numerous requirements is that covered entities post nondiscrimination notices and taglines in (1) significant publications and communications, (2) conspicuous physical locations where the entity interacts with the public, and (3) a conspicuous location on the entity's website.

Nondiscrimination notices must include:

A statement that the entity does not discriminate on the basis of race, color, national origin, sex, age or disability.

A statement that the entity provides aids and services, including qualified interpreters and information in alternative formats, free of charge to individuals with disabilities.

A statement that the entity provides free language assistance services, including translated documents and oral interpretations, to individuals with limited English proficiency.

Information on how to obtain those aids and services.

For covered entities with 15 or more employees:

Contact information for the employee designated to coordinate and carry out the entity's responsibilities under Section 1557. (This will typically be the entity's compliance officer.)

Information on availability of the grievance procedure under Section 1557.

Information on how to file a discrimination complaint with the Office of Civil Rights.

These nondiscrimination notices may be combined with other notices that the entity is also required to post, on the condition that the combined notice clearly informs individuals of their rights under Section 1557.

The required taglines are short statements indicating that if an individual has limited English proficiency, free language assistance services are available. These taglines must be written in the 15 non-English languages most commonly spoken by individuals in the state or states where the entity does business.

For significant publications and communications that are not large enough to contain the full nondiscrimination notice and 15 taglines (e.g., postcards and trifold brochures), entities may provide shorter nondiscrimination statements and taglines written in the top two languages spoken by individuals in the applicable state or states. Additionally, a covered entity may exhaust its existing stock of printed publications, but all new printings must include the required notices.

To ease the burden of these notice requirements, the Department of Health and Human Services has provided sample nondiscrimination notices, nondiscrimination statements and taglines in 64 languages, all of which can be found [here](#). The department has also provided information on the top 15 non-English languages spoken in each state, which can be found [here](#).

What This Means to You

Covered entities must ensure that they comply with the Section 1557 notice and tagline requirements and have the necessary policies, support and services in place by the October 16, 2016, deadline. Steps

taken now to comply with Section 1557 will help protect covered entities from future enforcement issues.

Contact Us

For more information on how ACA Section 1557 may affect your business, please contact Cory Helton at 303.749.7296, Carol Manteuffel at 303.749.7287, or a member of Husch Blackwell's Healthcare team.