MEDICAL ASSISTANCE PROGRAM

STATE OF Kentucky

METHODS OF ADMINISTRATION - CIVIL RIGHTS

The state agency's implementing methods of administration of the medical assistance program to ensure non-discrimination have been submitted and are on file.

I. Assignment of Responsibility

Responsibility for ensuring that Title VI compliance is maintained rests with the Coordinator, Civil Rights, Department for Human Resources. In accordance with administrative structure of the Department for Human Resources, Title VI reviews of hospitals, nursing homes and intermediate care facilities are conducted by the Division for Licensing and Regulation, Bureau for Administration and Operations, in conjunction with the Division's on-site validation surveys.

II. Dissemination of Information

A check insert was sent to all recipients of assistance in 1965 to advise that the adult and children's programs and medical assistance would be administered in accordance with the Civil Rights Act of 1964. The insert specified that no discrimination would be made due to race, color, or national origin, and that any applicant or recipient who felt he was discriminated against for these reasons had the right to appeal. A pamphlet titled "Kentucky Public Assistance Programs and Civil Rights" was prepared to explain the Civil Rights Act and was mailed to recipients of assistance payments to further advise them of the provisions of the Act. A copy of the pamphlet is given to each new applicant. Any applicant or recipient who appears not to understand his civil rights is given a complete verbal explanation to supplement the written material, and it is agency practice that in any initial interview with an applicant for assistance the worker summarizes the Title VI provisions and provides answers to any questions.

The Civil Rights pamphlet specifies the agency's compliance with Title VI, explains that applicants and recipients of federally aided programs will not be discriminated against by the agency or vendors of services, and that the applicant or recipient who feels he has been discriminated against may request a hearing with the agency or make the allegation of discrimination to the Kentucky Commission on Human Rights, Frankfort, Kentucky, or the Secretary of Health, Education, and Welfare, in Washington, D.C.

The Manual of Operation of the Bureau for Social Insurance specifies that the Federal Government has been assured that public assistance programs will be administered in such a manner that no person is to be excluded from any benefits under the program or otherwise subjected to any discrimination on the groun of race, color or national origin. Pamphlets, check inserts and similar civil rights material made available to applicants/recipients are also made available to staff, and circulars, memoranda, and similar communicative devices are used to further advise staff of actions required for compliance with the Civil Rights Act. Agency training and orientation for new workers provide explanation of Title VI of the Civil Rights Act and instructs workers in techniques of non-discrimination. Supervisory personnel are also, from time to time, used to re-emphasize to agency workers the importance of non-discrimination and to correct any local practices which may be interpreted as discriminatory, whether real or potential.

Vendors are provided with Civil Rights information by pamphlets, Circulars or other appropriate means, and where required by Federal regulation their agreement to participate includes their agreement not to discriminate due to race, color or national origin. The billing system is designed so as to contain a statement to the effect that services provided under the Medical Assistance Program are provided without discrimination due to race, color or national origin.

The General Public is made aware of the agency's continuing compliance with Title VI by the use of public information releases to newspapers or other news outlets at intervals as necessary.

III. Maintaining and Assuring Compliance

Pursuant to federal regulations and utilizing federal guidelines on-site reviews are conducted at least annually of all participating hospitals, skilled nursing facilities and intermediate care facilities, unless a satisfactory and similar review for Title XVIII purposes has been accomplished for that period of time. The on-site review is conducted by trained personnel of the Division for Licensing and Regulation, Bureau for Administration and Operation, as an integral part of their annual on-site validation survey of these facilities, and includes a survey of the physical facility, interviews with appropriate facility employees and patients, and an evaluation as to any actual or potential areas of discrimination.

The Bureau does not conduct regular on-site reviews for Civil Rights compliance monitoring of physicians, dentists, etc. However, the Bureau for Social Insurance has personnel assigned to specific area development districts who have as one of their functions vendor liaison to assist vendors in overcoming problems related to client identification, billing, program changes, etc. These liaison personnel do as a part of their assigned responsibility visit the offices, clinics and other facilities of individual vendors and would observe any overt or manifest indications of discriminatory practice or treatment. Whether discovered through the Title VI on-site review or other contact, any suspected discriminatory practice is investigated to determine the facts of the situation, and an evaluation as to actual or potential discrimination is made.

Should a discriminatory practice be found, the Bureau takes immediate action to secure compliance. In accordance with federal directives the individual, organization, or agency found to be in actual or potential non-compliance with the Civil Rights Act and agency practice in the provision of medical and related services is afforded the opportunity to voluntarily comply with the requirements. In the event efforts to solicit voluntary compliance fail, all available sanctions provided for in the law and regulations are invoked, including removal of a vendor from participatory status in all appropriate instances.

IV. Handling Complaints

At the time the client alleges discriminatory treatment, the local worker explores the situation and attempts to resolve it to the satisfaction of the client on an informal basis. If such resolution is not possible, the client may appeal through the usual hearing process, or file a complaint of discrimination based on race, color, or national origin.

When the client alleges that he is being denied eligibility for a money payment or medical assistance through discriminatory agency policy, or discriminatory application of agency policy, he would ordinarily use the hearing process which provides for determinations as to eligibility for benefits. The process includes a hearing before a Hearing Officer of the Bureau, recourse to the Appeal Board for a review of the Hearing Officer's decision, and final recourse to the judicial system. The complainant is afforded the right to counsel, or other representation of his choice, throughout the process. He may submit written or oral statements or other material to substantiate his allegation, and may appear personally to present evidence or have the case judged on the merits of the evidence previously introduced, during the review by the Appeal Board.

A finding of discrimination established through the hearing process is considered binding on the agency, and decisions made to alleviate current discrimination or prevent future occurrences of a similar nature are implemented to the fullest possible extent by the agency.

When the client reports discrimination in the manner of provision of services, or refusal of access to medical benefits to which he is entitled, due to race, color or national origin, he would ordinarily use the complaint of discrimination process, which provides for correction of the situation through removal of a vendor in non-compliance status from participating status with the program. The complaint of discrimination is formally filed through completion of the Complaint of Discrimination form, which is immediately forwarded to the Area Manager for action.

Following action by the Area Manager, the client has further recourse to the Coordinator, Civil Rights, Department for Human Resources, and to the Kentucky Commission on Human Rights. The client is afforded opportunity to substantiate his complaint of discrimination, and appropriate investigation is made at each responsible level. The Coordinator, Civil Rights, will maintain a file of all complaints made on the basis of discrimination, and the resolution of such complaints. (See attached Flow Chart, Attachment 7.2-A.1.)

The Ombudsman, Department for Human Resources, will receive complaints of discrimination that are addressed to that office by the client, and will forward such complaints to the Coordinator, Civil Rights, for resolution.

The Director of the Division for Medical Assistance will remove from participatory status any vendor practicing discrimination if voluntary compliance cannot be secured, based on a finding of the Coordinator, Civil Rights, Department for Human Resources, or the Kentucky Human Rights Commission.

Recruitment and Training Programs.

Agency recruitment is in accordance with Title VI of the Civil Rights Act, Chapter 18 of the Kentucky Revised Statutes, State Personnel Rules, and Public Assistance Regulation Number 14. Race, color, or national origin are not factors in recruiting, hiring, up-grading, conditions of employment, dismissals, referrals and training programs. In-service training is provided on a uniform basis to all employees, and training staff of the agency is selected on a non-discriminatory vendors. Selection for such training is on the basis of merit, and minority group employees are made aware of such training programs and given the opportunity to participate.