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Providence
Mount Carmel Hospital

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Owner	Jennifer Bayersdorfer: SVP Chief Quality Officer
Policy Area	Clinical
Applicability	Providence Systemwide
References	Posted on Internet, WA-DOH Posted Policy

PSJH-CLIN-1203 Nondiscrimination Policy

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Executive Sponsor:	Darryl Elmouchi, MD, Chief Operating Officer
Policy Owner:	Jennifer Bayersdorfer, SVP, Chief Quality Officer
Contact Person:	Amber Theel, VP Quality and Patient Safety

Scope:

This policy applies to Providence and its Affiliates[i] (collectively known as "Providence") and their caregivers (employees); employees of affiliated organizations; members of System, community ministry and foundation boards; volunteers; trainees; independent contractors; and others under the direct control of Providence (collectively referred to as workforce members), with respect to their involvement in the provision of health program and/or activities offered by Providence. This policy does not apply to nondiscrimination in employment or in the provision of employee benefits by Providence, or in the provision of coverage through Providence Health Plan (PHP), which are covered by other policies (see end of Reference section below).

☐ Yes ☑ No Is this policy applicable to Providence Global Center (PGC) caregivers?

This is a management level policy, reviewed and recommended by the Policy Advisory Committee (PAC) to consider for approval by senior leadership which includes vetting by Executive Council (EC) with final approval by the President, Chief Executive Officer or appropriate delegate.

Purpose:

To establish Providence's System-level policy and procedures prohibiting discrimination against individuals accessing any Health Program and/or Activity (defined below) provided by Providence, designating caregivers responsible for implementation and monitoring of this policy, and establishing the internal grievance procedure for complaints alleging discrimination related to a Providence Health

Program or Activity.
In addition to this policy, Providence is committed to nondiscrimination in employment and in the provision of benefits to caregivers of Providence, and in the provision of coverage through PHP. These commitments are more fully outlined in Providence's applicable Human Resources policies and benefit plan documents, or in the applicable PHP policies. This policy is not intended to replace, substitute or modify: (1) Providence's and Affiliates' policies that prohibit discrimination in employment and provide for an internal grievance procedure for employment-related disputes; (2) any grievance procedure set forth in the applicable summary plan description for individuals participating in a Providence benefit plan; or (3) PHP's policies governing nondiscrimination and associated grievance procedures in its health-related insurance activities. For information on the latter policies and grievance procedures, please see the links provided at the end of the Reference section below.

Definitions:

For purposes of applying this policy, the following definitions apply:

1. *Auxiliary aids and services* include:(1) Qualified interpreters on-site or through video remote interpreting (VRI) services, as defined in 28 CFR 35.104 and 36.303(b); note takers; real-time computer-aided transcription services; written materials; exchange of written notes; telephone handset amplifiers; assistive listening devices; assistive listening systems; telephones compatible with hearing aids; closed caption decoders; open and closed captioning, including real-time captioning; voice, text, and video-based telecommunication products and systems, text telephones (TTYs), videophones, and captioned telephones, or equally effective telecommunications devices; videotext displays; accessible electronic and information technology; or other effective methods of making aurally delivered information available to individuals who are deaf or hard of hearing;(2) Qualified readers; taped texts; audio recordings; Braille materials and displays; screen reader software; magnification software; optical readers; secondary auditory programs (SAP); large print materials; accessible electronic and information technology; or other effective methods of making visually delivered materials available to individuals who are blind or have low vision;(3) Acquisition or modification of equipment and devices; and(4) Other similar services and actions.[ii]
2. *Caregiver*: Refers to all workforce members of Providence.
3. *Disability:* The term "disability" is defined by the federal government in various ways, depending on the context. For the purposes of federal disability nondiscrimination laws (such as the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973 and Section 1557 of the Affordable Care Act, the definition of a person with a disability is typically defined as someone who (1) has a physical or mental impairment that substantially limits one or more "major life activities," (2) has a record of such an impairment, or (3) is regarded as having such an impairment. More information on federal disability non-discrimination laws, visit DOL's Disability Nondiscrimination Law Advisor.
    - **In States Other than Washington**: In Alaska, Montana, New Mexico, Oregon and Texas, "disability" is defined consistent with federal law. In California, an individual with a "disability" is one who (1) has a physical or mental condition that limits, one or more major life activity; (2) has a record of such an condition; or (3) is being regarded as having such an condition.
    - **In Washington:** RCW Ch.49.60.040 (7) states:
        a. "Disability" means the presence of a sensory, mental, or physical impairment that:

i. Is medically cognizable or diagnosable; or

ii. Exists as a record or history; or

iii. Is perceived to exist whether or not it exists in fact.

b. A disability exists whether it is temporary or permanent, common or uncommon, mitigated or unmitigated, or whether or not it limits the ability to work generally or work at a particular job or whether or not it limits any other activity within the scope of this chapter.

c. For purposes of this definition, "impairment" includes, but is not limited to:

i. Any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitor-urinary, hemic and lymphatic, skin, and endocrine; or

ii. Any mental, developmental, traumatic, or psychological disorder, including but not limited to cognitive limitation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

4. *Discrimination on the Basis of Sex:* Discrimination on the basis of sex includes but is not limited to discrimination on the basis of pregnancy, false pregnancy, termination of pregnancy, or recovery therefrom, childbirth or related medical conditions, gender or sex stereotyping, and gender identity.

5. *Gender Identity Gender identity* for some refers to a person's innate, deeply felt psychological sense of gender, which may or may not correspond to the person's body or sex assigned at birth.

- *Gender identity* is frequently confused with sexual orientation, but the two concepts are different. Sexual orientation refers to how we interact with and are attracted to others, while gender identity refers to how we see ourselves. Just like gender-conforming people, transgender people can be of any sexual orientation.
- *Transgender* As indicated above, society has traditionally expected persons who were assigned as a particular sex at birth to behave a certain way in relation to their gender: males are expected to behave in a "masculine" way, females in a "feminine" way. *Transgender* is an umbrella term covering anyone whose gender identity or expression does not conform to society's expectations for, or stereotypes about, people assigned a particular sex.
  As an umbrella term, the word "transgender" is an adjective that covers a wide spectrum of people whose gender identity differs from their sex assigned at birth. Transgender also includes persons who are *gender non-conforming*. Gender non-conforming people may not consider themselves transgender but have an appearance or gender expression that does not conform to gender stereotypes.

6. *Gender Expression Gender expression* refers to how a person represents, or expresses, their gender identity to others – through appearance, dress, mannerisms, speech patterns, social interactions, and other characteristics and behaviors.

7. *Health Program or Activity*: Means the provision or administration of health-related services, and provision of assistance to individuals in obtaining health-related services or insurance

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coverage.[iii]

8. *Limited English Proficiency :* Means an individual whose primary language for communication is not English and who has a limited ability to read, write, speak or understand English.
9. *National Origin*: Includes, but is not limited to, an individual's, or their ancestor's, place of origin (such as country or world region) or an individual's manifestation of the physical, cultural, or linguistic characteristics of a national original group.
10. *Physical or mental impairment:* **Means** (i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine; or (ii) Any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disability.
Includes, but is not limited to, contagious and noncontagious diseases and conditions such as the following: orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia and other specific learning disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Human Immunodeficiency Virus (HIV) infection (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.
11. *Qualified Bilingual/Multilingual Staff*: Qualified bilingual/multilingual staff must demonstrate to the covered entity that they are proficient in English and at least one other spoken language, including any necessary specialized vocabulary, terminology, and phraseology, and are able to effectively, accurately and impartially communicate directly with individuals with limited English proficiency in their primary language. An individual who meets the definition of "qualified bilingual/multilingual staff: does not necessarily qualify to interpret or translate for individuals with limited English proficiency.[iv]
12. *Qualified Interpreter for an Individual with a Disability:*
    1. Means an interpreter who via a remote interpreting service or an on-site appearance:
        a. Adheres to generally accepted interpreter ethics principles, including client confidentiality; and
        b. Is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary, terminology and phraseology.
    2. For an individual with a disability, qualified interpreters can include, for example, sign language interpreters, oral trans- literators (individuals who silently rephrase a spoken English message, selecting the words that are most easily speech-readable to an individual who uses speech and speech reading as primary forms of communication), and cued language transliterators (individuals who facilitate communication by converting spoken language into a combination of hand shapes and mouth movements to distinguish phonemes.
13. *Qualified Interpreter or Translator for an Individual with Limited English Proficiency or non-English speaking*: Means an interpreter or translator, who interprets or translates effectively, accurately, and impartially; who via a remote interpreting service or an on-site appearance:
    - Adheres to generally accepted interpreter or translator ethics principles, as applicable, including client confidentiality;
    - In the case of an interpreter has demonstrated proficiency in speaking, and in the case of a translator has demonstrated proficiency in writing, and in both cases,

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demonstrates proficiency in understanding both spoken English and at least one other spoken language; and

- In the case of an interpreter is able to interpret, and in the case of a translator is able to translate: effectively, accurately, and impartially, both receptively and expressly, to and from such language(s) and English, using any necessary specialized vocabulary, terminology and phraseology.

14. *Section 1557 Civil Rights Coordinator*: or *Civil Rights Coordinator:* Means the responsible Providence caregiver(s) designated to coordinate Providence's efforts to comply with this policy in any Providence Health Program or Activity, including the investigation of any grievances filed under this policy, and who are listed by Region/Ministry in the Procedure section below.
15. *Sex stereotypes:* Means stereotypical notions of masculinity or femininity, including expectations of how individuals represent or communicate their gender to others, such as behavior, clothing, hairstyles, activities, voice, mannerisms, or body characteristics.
16. Ability to Pay: Is a determination based upon an individual or family's income level in relation to the Federal Poverty Guidelines.

Policy:

Consistent with Providence's Mission and Core Values, it is the policy of Providence to not discriminate against, exclude, or treat differently any individuals accessing any Providence Health Program or Activity on any basis prohibited by local, state or federal laws, including but not limited to on the basis of race, color, religious creed (including religious dress and grooming practices), Conscience (whether based on religious beliefs or moral convictions, in certain circumstances), national origin (including certain language use restrictions), ancestry, Disability, medical condition (including cancer and genetic characteristics), marital status, age, sex (including sex characteristics, intersex traits; sex stereotypes, and pregnancy, childbirth, breastfeeding and related medical conditions, gender, gender identity, gender expression and sexual orientation), genetic information (including family medical history), military/veteran status, ability to pay, or the use of a trained dog guide or service animal by a person with a Disability as those terms are defined under federal and state laws and rules. Discrimination will not be tolerated. Providence applies all appropriate federal and/or state protections for religious freedom and conscience. It is also Providence's policy to provide free Auxiliary Aids and Services to individuals with Disabilities, or Limited English Proficiency, or non-English speaking who are accessing Providence Health Programs or Activities. Such services may include providing Qualified Bilingual/Multilingual Staff, Qualified Interpreters, and Qualified Translation free of charge as needed or appropriate.

Providence has established applicable grievance procedures for individuals accessing any Providence Health Program or Activity, which provides for prompt and equitable resolution of complaints alleging violations of applicable federal or state laws that prohibit discrimination, including but not limited to Sections 504 and 508 of the Rehabilitation Act of 1973, the Americans With Disabilities Act (ADA), Title VI of the Civil Rights Act of 1964, and Section 1557 of the Affordable Care Act (42 U.S.C. 18116), and its implementing regulations at 45 CFR part 92 (collectively referred to below as "Section 1557"). Any person who believes that someone accessing a Providence Health Program or Activity has been subjected to discrimination on the basis of race, color, religious creed (including religious dress and grooming practices), conscience (whether based on religious beliefs or moral convictions, in certain circumstances), national origin (including certain language use restrictions), ancestry, Disability, medical condition (including cancer and genetic characteristics), marital status, age, sex (including sex characteristics, intersex traits; sex stereotypes, and pregnancy, childbirth, breastfeeding and related medical conditions,

gender, gender identity, gender expression and sexual orientation, genetic information (including family medical history), military/veteran status, ability to pay, or the use of a trained dog guide or service animal by a person with a Disability may file a grievance under this procedure. It is against the law for Providence to retaliate against anyone who opposes discrimination, files a grievance, or participates in the investigation of a grievance. Human Resources also maintains a policy on this topic.

References:

- Providence Notice of Nondiscrimination and Communication Assistance Statement
- PSJH-EIS-903 Web Accessibility Policy
- Section 1557 of the Affordable Care Act (42 U.S.C. 18116)
- Section 1557 implementing regulations at 45 CFR part 92
- Title VI of the Civil Rights Act of 1964
- Title IX of the Education Amendments of 1972
- The Age Discrimination Act of 1975, subject to the exclusions described in 45 CFR 91.3(b)(1)
- Section 504 and 508 of the Rehabilitation Act of 1973
- Title 42, Chapter 126 Americans with Disabilities Act of 1990, as Amended
- Cal. Health & Safety Code § 1259
- RCW Ch. 49.60 Discrimination—Human Rights Commission
- **28 CFR § 35.104 – Definitions; Nondiscrimination On The Basis Of Disability in State and Local Government Services**
- Washington State Disability https://app.leg.wa.gov/RCW/default.aspx?cite=49.60.040
- Plan Letter (APL) 22-002 Department of Health Care Services
- Poverty Guidelines | ASPE (hhs.gov) https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines

For Human Resources policies applicable to caregivers, or questions about caregiver benefits, and applicable grievance procedures, please contact your local Human Resources department or see: HRforCaregivers.org.
For PHP's policies applicable to nondiscrimination in the provision of health-related coverage and grievance procedures, see: https://healthplans.providence.org/nondiscrimination-statement.

Applicability:

[i]For purposes of this policy, "Affiliates" is defined as any not-for-profit or non-profit entity that is wholly owned or controlled by Providence St. Joseph Health (PSJH), Providence Health & Services, St. Joseph Health System, Western HealthConnect, Kadlec, Covenant Health Network, Grace Health System, Providence Global Center*, NorCal HealthConnect, or is a not-for-profit or non-profit entity majority owned or controlled by PSJH or its Affiliates and bears the Providence, Swedish Health Services, St. Joseph Health, Covenant Health, Grace Health System, Kadlec, or Pacific Medical Centers names (includes Medical Groups, Home and Community Care, etc.). *Policies and/or procedures may vary for our international affiliates due to regulatory differences.

[ii]https://www.govinfo.gov/content/pkg/CFR-2017-title45-vol1/xml/CFR-2017-title45-vol1-part92.xml

[iii]For nondiscrimination and grievance policies related to PSJH's provision of health-related insurance or other benefits, to PSJH caregivers or through Providence Health Plan, please see the applicable links at

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the end of the References section below.

[iv]Nondiscrimination in Health Programs and Activities, page 31390 Retrieved 7/31/2019 from https://www.federalregister.gov/documents/2016/05/18/2016-11458/nondiscrimination-in-health-programs-and-activities?utm_campaign=subscription+mailing+list&utm_medium=email&utm_source=federalregister.gov

Appendix A:

Vital Documents as required per California APL 22-002:

1. Notices of Nondiscrimination and Communication Assistance
2. Notices of eligibility criteria for services
3. Informed consent documents
4. Intake forms that have clinical consequences
5. Discharge instructions
6. Complaint forms
7. Notices of Privacy Practices
8. Patient Rights and Responsibilities

All Revision Dates

5/13/2026, 2/3/2025, 1/22/2024, 9/2/2020

Attachments

Nondiscrimination Investigation and Review PROCEDURE.12.2021.pdf

Approval Signatures

Step Description	Approver	Date
Policy Management Office	Naomi Margolis: Compliance Specialist	5/13/2026

Standards

No standards are associated with this document

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