

DST POLICIES AND PROCEDURES

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Title:	Section 1557 Grievance procedure
Chapter:	Legal/Compliance
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Applies to: NC Department of State Treasurer – SHP

Keywords: 1557, Grievance procedure, Discrimination, Race, Color, National Origin, Sex, Gender, Age, Disability, Investigation,

Background

The North Carolina State Health Plan for Teachers and State Employees (the Plan) complies with all applicable laws and regulations and adheres to the highest ethical standards while providing health benefits to its eligible population. The Plan receives funding from the United States Department of Health and Human Services through the Retiree Drug Subsidy Program. Therefore, the Plan is subject to Section 1557 of the Affordable Care Act (42 U.S.C. 18116) and its implementing regulations at 45 CFR Part 92, issued by the U.S. Department of Health and Human Services. Section 1557 prohibits discrimination on the basis of race, color, national origin, sex, age, or disability in certain health programs and activities. Part 92 requires the Plan to designate a responsible employee and a grievance procedure to resolve grievances alleging any action that would be prohibited by Section 1557 or Part 92.

Purpose

The purpose of this procedure is to designate a responsible employee and establish a grievance procedure to reduce risk, foster a culture of inclusion and compliance, and meet federal requirements.

procedure

The Plan shall designate a responsible employee and establish and maintain a grievance procedure so that any person who believes someone has been subjected to discrimination on the basis of race, color, national origin, sex, age, or disability may file a grievance under this procedure. It is against the law for the Plan to retaliate against anyone who opposes discrimination, files a grievance, or participates in the investigation of a grievance.

Procedure:

- Grievances must be submitted to the Section 1557 Coordinator within 60 days of the date the person filing the grievance becomes aware of the alleged discriminatory action.
- A complaint must be in writing, containing the name and address of the person filing it. The complaint must state the problem or action alleged to be discriminatory and the remedy or relief sought.
- The Section 1557 Coordinator shall conduct an investigation of the complaint. This investigation may be informal, but it will be thorough, affording all interested persons an opportunity to

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submit evidence relevant to the complaint. The Section 1557 Coordinator will maintain the files and records of the Plan relating to such grievances. To the extent possible, and in accordance with applicable law, the Section 1557 Coordinator will take appropriate steps to preserve the confidentiality of files and records relating to grievances and will share them only with those who have a need to know.

- The Section 1557 Coordinator will issue a written decision on the grievance, based on a preponderance of the evidence, no later than 30 days after its filing, including a notice to the complainant of their right to pursue further administrative or legal remedies.
- The person filing the grievance may appeal the decision of the Section 1557 Coordinator by writing to the Executive Administrator within 15 days of receiving the Section 1557 Coordinator's decision. The Executive Administrator shall issue a written decision in response to the appeal no later than 30 days after its filing.

The availability and use of this procedure does not prevent a person from pursuing other legal or administrative remedies, including filing a complaint of discrimination on the basis of race, color, national origin, sex, age, or disability in court or with the United States Department of Health and Human Services, Office for Civil Rights. A person can file a complaint of discrimination electronically through the Office for Civil Rights Complaint Portal, which is available at: <https://ocrportal.hhs.gov/ocr/portal/lobby.jsf>, or by mail or phone at: U.S. Department of Health and Human Services, 200 Independence Avenue SW., Room 509F, HHH Building, Washington, DC 20201.

Complaint forms are available at: <http://www.hhs.gov/ocr/office/file/index.html>. Such complaints must be filed within 180 days of the date of the alleged discrimination.

The Plan will make appropriate arrangements to ensure that individuals with disabilities and individuals with limited English proficiency are provided auxiliary aids and services or language assistance services, respectively, if needed to participate in this grievance process. Such arrangements may include, but are not limited to, providing qualified interpreters, providing taped cassettes (or other electronic means) of material for individuals with low vision, or assuring a barrier-free location for the proceedings. The Section 1557 Coordinator will be responsible for such arrangements.

Nature of the procedure

This procedure serves as a nonbinding interpretative statement, within the delegated authority of the Department of State Treasurer that defines, interprets, or explains the meaning of the laws and/or regulations listed above. Those laws or regulations, not this procedure, shall take priority if they conflict in any way.

This procedure sets forth criteria or guidelines to be used by Department of State Treasurer staff in performing audits, investigations, or inspections.

Implementation

The Plan shall disseminate the attached external-facing procedure (Appendix A) to its Members, shall maintain an employee designated as Section 1557 Coordinator, and shall adopt and execute this internal

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procedure for providing prompt and equitable resolution of complaints alleging any action prohibited by Section 1557 of the Affordable Care Act (42 U.S.C. 18116) and its implementing regulations at 45 CFR Part 92, issued by the United States Department of Health and Human Services.

Enforcement

The Executive Administrator shall have authority to interpret and apply this procedure. This procedure may be modified or amended at any time as approved by the Executive Administrator. Failure to comply with this procedure could result in disciplinary action up to and including dismissal. The Compliance Officer will work with Human Resources, Legal, and Senior Management to assess the situation and recommend appropriate disciplinary action.

Related Statutes, Rules, and Policies

1. 42 U.S.C. 18116
2. 45 CFR 92
3. Appendix C to 45 CFR Part 92—Sample Section 1557 of the Affordable Care Act Grievance procedure

Revision/Review History

Version	Date Approved	Description of Changes
V1.0	7/15/2016	New procedure
V1.1	11/6/2017	Reviewed, no changes needed.
V1.2	3/23/2020	Minor wording changes, edits and clarifications.

Appendix

Appendix A – Section 1557 Grievance procedure

For questions or clarification on any of the information contained in this policy, please contact the policy owner or designated contact point: [Compliance Officer, Chris.Almberg@nctreasurer.com](mailto:Chris.Almberg@nctreasurer.com). Questions about department-wide policies and procedures, contact the [DST Policy Coordinator](#).

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APPENDIX A

SECTION 1557 GRIEVANCE PROCEDURE

It is the policy of the North Carolina State Health Plan for Teachers and State Employees (the Plan) not to discriminate on the basis of race, color, national origin, sex, age, or disability. The Plan has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Section 1557 of the Affordable Care Act ([42 U.S.C. 18116](#)) and its implementing regulations at [45 CFR Part 92](#), issued by the United States Department of Health and Human Services. Section 1557 prohibits discrimination on the basis of race, color, national origin, sex, age, or disability in certain health programs and activities. Section 1557 and its implementing regulations may be examined in the office of Chris Almberg, (Section 1557 Coordinator, 3200 Atlantic Avenue, Raleigh, NC 27604, (919) 814-4428, TTY number—711, Fax - 919-855-5815, email - Chris.Almberg@nctreasurer.com), who has been designated to coordinate the efforts of the Plan to comply with Section 1557.

Any person who believes someone has been subjected to discrimination on the basis of race, color, national origin, sex, age, or disability may file a grievance under this procedure. It is against the law for the Plan to retaliate against anyone who opposes discrimination, files a grievance, or participates in the investigation of a grievance.

procedure:

- Grievances must be submitted to the Section 1557 Coordinator within 60 days of the date the person filing the grievance becomes aware of the alleged discriminatory action.
- A complaint must be in writing, containing the name and address of the person filing it. The complaint must state the problem or action alleged to be discriminatory and the remedy or relief sought.
- The Section 1557 Coordinator (or her/his designee) shall conduct an investigation of the complaint. This investigation may be informal, but it will be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint. The Section 1557 Coordinator will maintain the files and records of the Plan relating to such grievances. To the extent possible, and in accordance with applicable law, the Section 1557 Coordinator will take appropriate steps to preserve the confidentiality of files and records relating to grievances and will share them only with those who have a need to know.
- The Section 1557 Coordinator will issue a written decision on the grievance, based on a preponderance of the evidence, no later than 30 days after its filing, including a notice to the complainant of their right to pursue further administrative or legal remedies.
- The person filing the grievance may appeal the decision of the Section 1557 Coordinator by writing to the Executive Administrator within 15 days of receiving the Section 1557 Coordinator's decision. The Executive Administrator shall issue a written decision in response to the appeal no later than 30 days after its filing.

The availability and use of this grievance procedure does not prevent a person from pursuing other legal or administrative remedies, including filing a complaint of discrimination on the basis of race, color, national origin, sex, age, or disability in court or with the United States Department of Health and Human

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Services, Office for Civil Rights. A person can file a complaint of discrimination electronically through the Office for Civil Rights Complaint Portal, which is available at: <https://ocrportal.hhs.gov/ocr/portal/lobby.jsf>, or by mail or phone at: U.S. Department of Health and Human Services, 200 Independence Avenue SW., Room 509F, HHH Building, Washington, DC 20201.

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