



GUY HUNT  
Governor

# Alabama Medicaid Agency

2500 Fairlane Drive  
Montgomery, Alabama 36130



CAROL A. HERRMANN  
Commissioner

January 1, 1991

## STATEMENT OF COMPLIANCE CERTIFICATION FOR THE MEDICAL ASSISTANCE PROGRAM OF ALABAMA

I hereby certify that it is the policy of the Alabama Medicaid Agency to apply the same requirements for eligibility and participation to everyone, and no distinction is made in providing services offered by this Agency regardless of race, color, creed, national origin, religion, sex, age, or handicap. All contracted facilities are available without distinction to all employees, Medicaid recipients, and visitors regardless of race, color, creed, national origin, religion, sex, age, or handicap. All persons and organizations having occasion either to refer Medicaid recipients for assistance or to recommend this Agency are advised to do so without regard to race, color, creed, national origin, sex, age, or handicap. The Alabama Medicaid Agency fully complies with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975.

Carol A. Herrmann, Commissioner

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ALABAMA MEDICAID AGENCY

METHODS OF PROGRAM ADMINISTRATION  
TO ASSURE NONDISCRIMINATION UNDER  
TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

A. Purpose

To describe the Alabama Medicaid Agency methods of administration to assure that each program or activity for which it receives federal financial assistance is operated in accordance with Title VI of the Civil Rights Act of 1964.

B. Policy

The Alabama Medicaid Agency shall comply with the provisions of Title VI of the Civil Rights Act of 1964 and 45 C.F.R., Part 80, and will monitor compliance by providers to ensure that their employees and Medicaid patients are not, on the grounds of race, color, creed, religion, national origin, age, sex, or disability, excluded from participation in, or denied the benefits of, or otherwise subjected to discrimination under any program or service administered for the Alabama Medicaid program.

C. Dissemination of Information

1. Alabama Medicaid recipients, providers and the general public are informed through brochures, pamphlets, official communications, and public media announcements that Medicaid services are provided on a non-discriminatory basis as required under Title VI regulations.
2. The Alabama Medicaid Agency ensures that its staff fully understands their Title VI responsibilities through in-service training, bulletin board notices, and distribution of policies and rules.

D. Administration

1. The Alabama Medicaid Agency does not utilize any criteria or methods of administration which will result in, or have the effect of, distinction being made between individuals solely on the basis of race, color, creed, religion, national origin, age, sex, or disability, or which have the effect of impairing accomplishment of Title VI requirements of the Medicaid Program with respect to recipients and providers of service.

2. The opportunity to participate in the Alabama Medicaid Agency planning, advisory and policy deliberations, which are an integral part of the Alabama Medicaid Program, is available to all members of the staff.
3. The Alabama Medicaid Agency has implemented and maintains complaint policies and procedures that provide appropriate recourse for any aggrieved person without regard to race, color, creed, religion, national origin, age, sex, or disability through an Affirmative Action Committee and a Grievance Committee. A current Affirmative Action Plan is available to all employees.
4. The Alabama Medicaid Agency Civil Rights Coordinator will be responsible for Title VI Civil Rights compliance by the Alabama Medicaid Agency and its providers of services. The Coordinator will handle complaints of discrimination, and the dissemination of information pertaining to Title VI Civil Rights.
5. The Alabama Medicaid Agency will schedule and perform visits on-site to institutional and non-institutional providers to review compliance with the Civil Rights Act, and to investigate Title VI complaints by Medicaid recipients or employees of Alabama Medicaid providers of services, as appropriate.
6. It is the policy of the Alabama Medicaid Agency that recruiting, employment, training, promotion, remuneration, and all personnel administrative practices shall be conducted without regard to race, color, creed, national origin, religion, age, sex, politics, or handicap. A formal orientation program will be established which will include the Agency Grievance Procedures and Affirmative Action policies and procedures. Training selection methods and records of participants will be reviewed at the Agency level to ensure that they are nondiscriminatory and are preparing women and minorities in accordance with Affirmative action goals.
7. To ensure that the utmost importance is placed on Civil Rights enforcement, the Executive Commissioner of the Alabama Medicaid Agency has been designated as the Civil Rights Coordinator for the Agency.
8. The procedures to be administered during the processing of complaints which may be filed involving alleged violations of Title VI provisions have been developed and provided Medicaid staff, the Medicaid recipients and Medicaid District Offices for public display. The procedures have also been published in newspapers for the general public.

2. The Alabama Medicaid Agency staff is informed of Agency rehabilitation policy through bulletin board notices, in-service training programs, and new employee orientation procedures.

D. Administration

1. The Alabama Medicaid Agency is in compliance with Section 504, Rehabilitation Act, for employment of the handicapped and ensures barrier-free access to Medicaid operating locations.
2. The Alabama Medicaid Agency shall make available to the Office for Civil Rights, or other appropriate agencies, all information necessary to determine the Alabama Medicaid Agency's compliance with Title VI, Civil Rights Act, and Section 504, Rehabilitation Act.

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METHODS OF ADMINISTRATION

SECTION 504 OF THE REHABILITATION ACT OF 1973

Alabama Medicaid Agency - Methods of Administration

A. Purpose

The Alabama Medicaid Agency, agrees that within the provisions of Section 504 of the Rehabilitation Act of 1973, hereinafter called Section 504, and regulation 45 C.F.R. Section 84.1 et seq, that the Medical Assistance Program shall be conducted in such manner that no qualified handicapped individual shall, solely by reason of his/her handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

B. Policy

1. In determining the type of activities, services, financial aids, or other benefits, or facilities which will be provided or included under the Alabama Medicaid Program, The Alabama Medicaid Agency will not utilize any criteria or method of administration which will result in or have the effects of distinction being made between individuals solely on the basis of handicap. The Alabama Medicaid Agency will not establish any rule; regulation, or procedure that will interfere with or reduce compliance with Section 504, Rehabilitation Act of 1973.
2. The Alabama Medicaid Agency has executed and submitted HHS Form 641, Assurance of Compliance, to the Federal Office of Civil Rights, Washington, D.C.

C. Responsibility

The Alabama Medicaid Agency shall be responsible for the following:

- a. Investigate complaints of discrimination within the Alabama Medicaid Agency.
- b. Disseminating of Section 504 information to Alabama Medicaid Agency staff, beneficiaries, and interested members of the general public.
- c. Maintaining documentation of compliance actions taken and the submission of any such reports as might be required by the Department of Health and Human Services (HHS) to ensure compliance with the regulation through state methods of administration.

Rec'd                       HCFA # 86-19

Date Approved 11/18/86

Rec'd 10/1/86

- d. Acting as liaison between the Office of Civil Rights, handicapped groups and other community groups concerned with the delivery of services.
- e. Providing training and technical assistance on Section 504 and the needs of the handicapped.
- f. Making determinations concerning compliance with program requirements.
- g. Conducting compliance reviews of vendors and institutional providers of services.
- h. Maintaining and monitoring essential files and records relative to implementation and surveillance of Title VI and Section 504 programs.

D. Section 504, Rehabilitation Act of 1973

1. The Alabama Medicaid Agency Compliance Responsibility

The following actions will be taken to ensure that the Alabama Medicaid Agency staff fully understands its responsibilities and obligations under Section 504:

- a. General provisions of Section 504 will be distributed to all employees.
- b. Alabama Medicaid Agency managers shall receive Section 504 orientation.
- c. Appropriate notices pertaining to Section 504 shall be posted on Alabama Medicaid Agency bulletin boards.
- d. Section 504 information shall be included with in-service training programs.

2. Provider Compliance

The following procedures and policies have been established in recognition that the Alabama Medicaid Agency's obligation for compliance extends to providers of Medicaid services, service contractors, and other providers of services:

- a. The Alabama Medicaid Administrative Code is available to all Medicaid providers; it includes a list of applicable requirements and states that non-discrimination is prohibited.
- b. In cooperation with provider associations in-service programs as appropriate may be conducted on a statewide basis to ensure understanding of their responsibilities under Section 504.

Rec'd           HCFA# 86-19

Date Approved 11/18/86

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- c. All freestanding intermediate care facilities (Medicaid only) and any other Medicaid only health facilities are required to submit a signed HHS Form 641, Assurance of Compliance, for certification.
- d. Participants have been instructed that the submission of a signed Assurance of Compliance does not automatically indicate that actual compliance with Section 504 and the regulation is acceptable.
- e. Continuous evaluation will be made of contracted institutions.
- f. All other providers are reviewed on a complaint basis.

### 3. Informing Beneficiaries

In accordance with 45 C.F.R. Section 84.1, et seq, the Alabama Medicaid Agency has taken the following steps to notify beneficiaries and the general public of Section 504 compliance policy:

- a. Alabama Medicaid Agency brochures, pamphlets, contracts, and other similar materials contain a statement of compliance with Section 504.
- b. All customary referral sources have been advised in writing that services and benefits are provided in a nondiscriminatory manner.
- c. A statement of compliance is posted in appropriate places within the Alabama Medicaid Agency. All providers have been provided appropriate compliance statements with instructions to post them in prominent places.
- d. Assistance from local civic groups and organizations interested in the handicapped will be requested for appropriately notifying persons as needed with impaired hearing or vision of the Alabama Medicaid Agency's compliance policy.

### 4. Complaint Policies and Procedures

The Alabama Medicaid Agency has established a grievance procedure providing appropriate due process (hearing) to any aggrieved employee, without regard to race, color, creed, national origin, age, sex, religion, political affiliation or handicap. All employees have been informed of this grievance procedure and copies of the procedure are posted on employee bulletin boards. The Affirmative Action Committee has the responsibility of ensuring complaints are processed in accordance with the established procedure. It is Alabama Medicaid Agency policy that: Rec'd \_\_\_\_\_

Date Approved 11/18/86

Rec'd 10/1/86

HCF # 86-19

- a. To be considered by the Alabama Medicaid Agency Affirmative Action Committee, a complaint must be filed within six (6) months from the date of the alleged discriminatory act(s).
- b. The Alabama Medicaid Agency Commissioner may extend the time for filing the complaint if the complaint is alleged to be of a continuing nature.
- c. No person who has filed a complaint, testified, assisted, or participated in any manner in the investigation of any complaint will be intimidated, threatened, coerced, or discriminated against.
- d. The Chairman of the Affirmative Action Committee shall bring any complaints to the attention of the Civil Rights Coordinator and the Commissioner of the Alabama Medicaid Agency.
- e. All complaints shall be investigated in a prompt and thorough manner.
- f. The established grievance procedure provides for intermediate levels of discussion, fact-finding, hearing and appeal to the grievance committee if necessary. Recommendations of the Committee will be made to the Commissioner.
- g. The complainant will be advised in a timely fashion of the findings regarding his/her complaint and be advised of the rights to appeal to the Office of Civil Rights if not satisfied with the Alabama Medicaid Agency decision.
- h. Documentation (records) will be maintained of the complaint, details of the investigation, and the actions taken.
- i. In those cases where the complaint is initially filed with the Office for Civil Rights, the Alabama Medicaid Agency will conduct the investigation and provide the Office for Civil Rights with full information.

5. Nondiscrimination Policy

The Alabama Medicaid Agency has adopted and published a policy of compliance with Section 504 which effectively communicates that the services, financial assistance and other benefits of its programs are provided in a nondiscriminatory manner. HCFA# 86-19

Date Approved 11/18/86

E. Recruiting and Employment Practices

Eff. Date 10/1/86 OBS. \_\_\_\_\_

1. The State of Alabama operating under the State Merit System employs the following policies in accordance with the



Rehabilitation Act of 1973 and the Alabama Administrative Code, Section 670-X-4.

- a. There is a training program for supervisors working with the handicapped (vocational rehabilitation).
  - b. The Code of Alabama, 1975 Section 21-7-8, provides for reaching the handicapped on the employment register through special appointments.
  - c. The Code of Alabama, 1975 Section 21-4-1, et seq requires barrier-free design in buildings constructed with State funds.
2. It is the policy of the Alabama Medicaid Agency that no qualified handicapped person shall, on the basis of handicap, be subjected to discrimination in employment.
  3. The recruiting, employment, and all personnel administrative practices shall be conducted in compliance with Section 504.
  4. Preemployment information is regulated by a standard State of Alabama application for examination. Any handicap information submitted will be used in an affirmative manner as provided by the Code of Alabama, 1975 Section 36-26-16.
    - a. Rates of pay and benefits to handicapped individuals shall be equal to those provided to non-handicapped, i.e., leaves of absence, sick leave, insurance, etc.
    - b. Training and educational leave are provided employees in a nondiscriminatory manner.

F. Planning, Advisory, and Policy Boards

It is the policy of the Alabama Medicaid Agency that the opportunity to participate as members of planning, advisory, and policy boards is available to all persons in a nondiscriminatory manner.

G. Continuing Compliance

1. There are established policies and procedures for implementing and monitoring all aspects of the Alabama Medicaid Agency's operations in accordance with this plan to ensure continuing compliance.
2. The Alabama Medicaid Agency program managers have developed policies and procedures for implementing and monitoring compliance with Section 504 by providers and service contractors. Monitoring procedures include, but are not limited to the following areas:

- a. Location of offices and facilities

Rec'd \_\_\_\_\_ HCFA# 86-19

Date Approved 11/18/86

Eff. Date 10/1/86 OBS

- b. Manner of assignments of applicants/clients/staff.
- c. Dissemination of program information.
- d. Criteria for acceptance into programs.
- e. Referral of clients to other agencies and facilities.
- f. Referral sources.
- g. Utilization of handicapped vendors.
- h. Use of volunteers, consultants, etc.
- i. Applications for assistance.
- j. Provision of services.
- k. Handicapped persons on planning, advisory, and policy boards.
- l. Program accessibility to handicapped persons.
- m. Auxiliary aids for persons with impaired sensory, manual, or speaking skills.

H. Program Accessibility

1. The Alabama Medicaid Agency assures that no qualified handicapped person be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any of its programs or those of its vendors because the facilities are inaccessible to or unusable by handicapped persons.
2. The Alabama Medicaid Agency has achieved program accessibility where possible through such methods (alternative to structural changes) as provided in the regulation.
3. Any additional facilities leased or rented by Medicaid will be accessible and usable by the handicapped in accordance with Section 504.
4. The Alabama Medicaid Agency will provide information for interested persons, including persons with impaired vision or hearing to obtain information as to the existence and location of services, activities and facilities that are accessible to and usable by handicapped persons.
5. Procedures are established for implementing and monitoring Medicaid's policy of assuring that vendors with fewer than fifteen (15) employees not meeting the requirements for program accessibility refer qualified handicapped persons to other providers where those services are accessible.

Rec'd \_\_\_\_\_ HCFA# 84-19

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I. Corrective Requirements

The Alabama Medicaid Agency shall comply with federal requirements for corrective action in the following manner:

1. Evaluate existing policies and practices.
2. Modify and/or adopt new policies to comply with Section 504 as appropriate.
3. Identify current handicapped employees.
4. Recruit, employ and provide benefits in accordance with State and Federal requirements and within the provisions of the policies and practices of the State Merit System.
5. Take appropriate remedial steps, as provided under the policies adopted to comply with Section 504 and as provided under the rules and regulations under the State Merit system.
6. Take appropriate steps to ensure that services provided to non-handicapped are equal to those provided the handicapped.

J. Compliance Records

1. The Alabama Medicaid Agency shall collect and maintain handicap data and information on its operations which will show the extent to which handicapped persons are participating in all aspects of the Medicaid programs. Medicaid shall require such data and information from providers and other participants of its programs.
2. The Alabama Medicaid Agency shall make available to the Office for Civil Rights all data and information necessary to determine compliance with Section 504 of the Rehabilitation Act.

Rec'd 11/18/86 HCFA# 86-19  
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