

NON-DISCRIMINATION

1. PURPOSE AND APPLICATION. This policy establishes notice of non-discrimination for Mississippi State Hospital (MSH). For applicability purposes, the use of the term MSH includes Mississippi State Hospital (MSH), Whitfield Medical Surgical Hospital (WMSH), Oak Circle Center (OCC), and Jaquith Nursing Home (JNH). This policy applies to staff, patients/residents, volunteers, visitors, and contract providers for all programs of MSH.

2. POLICY.

It is the policy of MSH not to discriminate on the basis of race, color, sex, religion, national origin, age, disability, veteran status, or genetic information in admission to, participation in or receipt of, the services and benefits under any of its programs and activities whether carried out by Mississippi State Hospital directly or through a contractor or any other entity with which Mississippi State Hospital arranges to carry out its programs and activities as these relate to either treatment of patients/residents at or employment with MSH. This statement is in accordance with the provisions of Section 1557 of the Affordable Care Act, Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age and Discrimination Act of 1975, Regulations of the United States Department of Health and Human Services issued pursuant to these statutes at Title 45 Code of Federal Regulations Parts 80, 84, 91, and 92, and Regulations enforced by the U.S. Equal Employment Opportunity Commission.

In case of questions or grievances, contact the Civil Rights Coordinator (Service Outcome Director), 601-351-8500, TDD 601-351-8000, Mississippi Telecommunications Relay Service 711,800-855-1000, or utilize the other options provided for under Letters C of the Procedure section of this policy.

3. PROCEDURE.

A. A notice of this policy will be posted in the following areas of MSH:

- (1) At the Reception Desk in the Administration Building for visitor check-in.
- (2) In the Personnel Department for persons making application for employment with MSH.
- (3) On patient/resident and employee information boards.
- (4) In the orientation packets for contract providers and volunteers.

SUPERSEDES: September 2019.

SUMMARY OF CHANGES: Replaced Accreditation and Licensure Director with Service Outcome Director. Updated language in the policy to reflect current requirements within the law.

ER: Hospital Director.

DR: Human Resources Director.

B. Based on the type of discrimination or need, the following staff will be contacted:

(1) If a patient/resident is alleging discrimination then the Civil Rights Coordinator will be responsible for handling matters related to the allegations.

(2) If an employee, visitor, or volunteer is alleging discrimination then the Civil Rights Coordinator, in consultation with the Human Resources Director, will be responsible for handling matters related to the allegations.

(3) If an individual is in need of a language assistive device, then the Social Services Director will be responsible for ensuring that the appropriate assistive device is obtained in order to aid the individual in need.

C. The following grievance procedures will be utilized should an individual file a formal complaint related to alleged discriminatory acts in violation of this policy:

(1) If you believe that Mississippi State Hospital has failed to provide free aids and services (qualified sign language interpreters, written information in other formats, language interpreters) to individuals with disabilities to communicate effectively with Mississippi State Hospital employees, or discriminated in some way on the basis of race, color, national origin, age, disability, or sex, you can file a grievance with: the Civil Rights Coordinator, 3550 Hwy 468, Whitfield, MS 39193, telephone number: 601-351-8500, TTY: 601-351-8000, Mississippi Telecommunications Relay Service 711, 800-855-1000, fax: 601-351-8326. You can file a grievance in person or by mail, fax, or email. If you need help filing a grievance, the Civil Rights Coordinator is available to help you.

If you are a patient or resident, you can also file a complaint with the Mississippi Department of Health, electronically at http://msdh.ms.gov/msdhsite/_static/4,0,204,736.html, or by mail or phone at:

Mississippi Department of Health
PO Box 1700
Jackson, MS 39215-1700
1-800-227-7308

Additionally, you can also file a civil rights complaint with the U.S. Department of Health and Human Services, Office for Civil Rights, electronically through the Office for Civil Rights Complaint Portal, available at <http://www.hhs.gov/ocr/office/file/index.html>, or by mail or phone at:

U.S. Department of Health and Human Services
200 Independence Avenue, SW
Room 509F, HHH Building
Washington, D.C. 20201
1-800-368-1019, 800-537-7697 (TDD)

Complaint forms are available at <http://www.hhs.gov/ocr/office/file/index.html>.

(2) Grievances must be submitted to the Civil Rights Coordinator within sixty days of the date the person filing the grievance becomes aware of the alleged discriminatory action.

(3) 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.

(4) The Civil Rights Coordinator or his/her designee shall conduct an investigation of the complaint. This investigation may be informal, but it must be thorough affording all interested persons an opportunity to submit evidence relevant to the complaint. The Civil Rights Coordinator will maintain the files and records of MSH relating to such grievances. To the extent possible, and in accordance with applicable law, the Civil Rights 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.

(5) The Civil Rights Coordinator will issue a written decision on the grievance no later than 30 days after its filing, including a notice to the complainant of his/her right to pursue further administrative or legal remedies.

(6) The person filing the grievance may appeal the decision of the Civil Rights Coordinator by writing to the MSH Director within 15 days of receiving the Civil Rights Coordinator's decision.

(7) The MSH Director shall issue a written decision in response to the appeal no later than 30 days after its filing.

(8) 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 U.S. 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: <http://www.hhs.gov/ocr/office/file/index.html> 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, 1-877-696-6775.

(9) 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.

(10) MSH 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 of material for individuals with low vision, or assuring a barrier-free

location for the proceedings. The Social Services Director, in consultation with the Civil Rights Coordinator, will be responsible for such arrangements.

D. The law and regulations related to this policy may be examined in the Office of the Civil Rights Coordinator, 601-351-8500. It is against the law for MSH to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.

4. REFERENCE.

- A. Title VI of the Civil Rights Act of 1964
- B. Section 504 of the Rehabilitation Act of 1973
- C. Age Discrimination Act of 1975
- D. 45 CFR Parts 80, 84, 91, and 92.
- E. MSH POL 000-05 (Section 504 Notice of Program Accessibility)