

 <p><b>HAWAII HEALTH SYSTEMS</b> C O R P O R A T I O N <i>"Quality Healthcare For All"</i></p> <p><b>POLICY</b></p>	<b>Department:</b> Corporate Legal	<b>Policy No.:</b> <b>CMP 0100A</b>
	<b>Issued by:</b> General Counsel	<b>Revision No.:</b> N/A
<b>Subject:</b>  <b>NONDISCRIMINATION</b> <b>(General)</b>	<b>Approved by:</b>  HHSC Board of Directors By: Antonette Torres Its: Secretary/Treasurer	<b>Effective Date:</b>  
		<b>Supersedes Policy:</b> N/A  <b>Page:</b> 1 of 3

Last Review: October 13, 2016; Next Review: October 13, 2019

**I. PURPOSE:** To set forth HHSC's policy regarding nondiscrimination.

**II. DEFINITIONS:**

All capitalized terms used herein are defined in this Section II. Any other capitalized terms used in this Policy are defined in the regulations under 45 C.F.R. Parts 80, 84, 86, 91 and 92 and Chapter 489, Hawaii Revised Statutes ("HRS"), as amended.

"Disability" – means, with respect to an individual, a physical or mental impairment that substantially limits one or more major life activities of such individual, a record of such an impairment, or being regarded as having such an impairment, as defined and construed in the Rehabilitation Act, 29 U.S.C. § 705(9)(B), which incorporates the definition of disability in the Americans with Disabilities Act of 1990, codified at 42 U.S.C. § 12102, as the same may be amended from time to time.

"Gender identity" – refers to an individual's internal sense of gender, which may be male, female, neither, or a combination of male and female, and which may be different from an individual's sex assigned at birth.

"Individual with limited English proficiency" – refers to an individual whose primary language for communication is not English and who has a limited ability to read, write, speak, or understand English.

"National origin" – includes, but is not limited to, an individual's or the individual's 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 origin group.

"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, sex stereotyping, and gender identity.

“Sex stereotypes” – refers to 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.

### **III. POLICY:**

It is the policy of HHSC not to discriminate on the basis of race, color, ancestry, national origin, religion, age, disability, sex, sexual orientation, marital status, gender identity or any other bases prohibited by federal, state, or local laws or regulations. HHSC has adopted an internal grievance procedure providing for prompt and equitable resolution of grievances alleging any action prohibited by Section 1557 of the Affordable Care Act, codified at 42 U.S.C. § 18116 (“Section 1557”), its implementing regulations at 45 C.F.R. Part 92 and HRS Chapter 489, as the same may be amended from time to time. Section 1557 prohibits discrimination on the basis of race, color, national origin, sex, age or disability in certain health programs and activities. HRS Chapter 489 prohibits discrimination on the basis of race, sex, including gender identity or expression, sexual orientation, color, religion, ancestry, or disability in places of public accommodation. Section 1557 and its implementing regulations and HRS Chapter 489 may be examined in the office of:

Civil Rights Coordinator  
Hawaii Health Systems Corporation  
3675 Kilauea Avenue  
Honolulu, HI 96816  
Phone: 808-733-4189  
Fax: 808-733-4028 (unsecured)  
CivilRightsCoordinator@hhsc.org

HHSC’s Civil Rights Coordinator has been designated to coordinate the efforts of HHSC to comply with Section 1557 and HRS Chapter 489.

Any person who believes someone has been subjected to discrimination by HHSC on the basis of race, color, ancestry, national origin, religion, age, disability, sex, sexual orientation, marital status or any other bases prohibited by federal, state or local laws or regulations may file a grievance (“Complaint”). It is against the law for HHSC to retaliate against anyone who opposes discrimination, submits a Complaint, or participates in the investigation of a Complaint.

### **IV. APPLICABILITY:** All HHSC facilities including corporate office.

**V. AUTHORITY:**

- Patient Protection and Affordable Care Act, Pub. L. No. 111-148, § 1557, 124 Stat. 260 (2010) (codified at 42 U.S.C. § 18116);
- 42 U.S.C. §§ 1395x(e) and 1395i-3(c);
- Title VI of the Civil Rights Act of 1964, Pub. L. 88-352, (42 U.S.C. § 2000d *et seq.*);
- Section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112, (29 U.S.C. § 794 *et seq.*);
- Americans with Disabilities Act of 1990, Pub. L. 101-336, (42 U.S.C. § 12101 *et seq.*);
- Age Discrimination Act of 1975, Pub. L. 94-135, (42 U.S.C. § 6101 *et seq.*);
- 45 C.F.R. Parts 80, 84, 86, 91 and 92;
- HRS Chapters 368 and 489.

As all such statutes and regulations may be amended from time to time.

**VI. ATTACHMENTS:** None