
 <p>HAWAII HEALTH SYSTEMS CORPORATION <i>"Quality Healthcare For All"</i></p> <p>POLICY</p>	<p>Department:</p> <p>Corporate Legal</p>	<p>Policy No.:</p> <p>CMP 0100A</p>
	<p>Issued by:</p> <p>General Counsel</p>	<p>Revision No.:</p> <p>1</p>
<p>Subject:</p> <p>NONDISCRIMINATION (General)</p>	<p>Approved by:</p>  <p>HHSC Board of Directors By: Donna McCleary, M.D. Its: Secretary/Treasurer</p>	<p>Effective Date:</p> <p>July 25, 2019</p>
		<p>Supersedes Policy:</p> <p>N/A</p>
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Last Review: June 4, 2019; Next Review: June 4, 2022

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 or expression" – refers to a person's actual or perceived gender, as well as a person's gender identity, gender-related self-image, gender-related appearance, or gender-related expression, regardless of whether that gender identity, gender-related self-image, gender-related appearance, or gender-related expression is different from that traditionally associated with the person's sex 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.

III. **POLICY:**

It is the policy of HHSC not to discriminate on the basis of race, color, ancestry, national origin, religion, age, disability, sex, including gender identity or expression, sexual orientation, marital status, English proficiency 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, including gender identity or expression, sexual orientation, marital status, English proficiency 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. REFERENCES: CMP 0101A – Nondiscrimination Policy for Language Access

VII. ATTACHMENTS: None