



2.3 NON-DISCRIMINATORY SERVICES

POLICY:

Services must be provided without regard to religion, race, color, national origin, disability, age, sex, number of pregnancies, or marital status (42 CFR 59.5 (a)(4)).

PROCEDURE:

Service sites must have written policies and procedures requiring services to be provided without regard to religion, race, color, national origin, disability, sex, number of pregnancies or marital status, and to inform staff of this requirement on annual basis.

In accordance to the Office of Civil Rights, agencies contracted through the Title X ND FPP must comply with Section 1557 of the Affordable Care Act (ACA), which was enacted in 2010. Section 1557 is the nondiscrimination provision of the ACA, which prohibits discrimination on the basis of race, color, national origin, sex, age, or disability in certain health programs or activities. This includes further protection for individuals under the following:

- Protecting individuals against Sex Discrimination
- Ensuring Meaningful Access for Individuals with Limited English Proficiency
- Ensuring Effective Communication with and Accessibility for Individuals with Disabilities
- Coverage of Health Insurance in Marketplaces and Other Health Plans

Quality family planning services are equitable, which includes providing high quality care to all clients, including adolescents, racial/ethnic minorities, lesbian, gay, bisexual, transgender, queer (LGBTQ) individuals, clients with limited English proficiency, and persons living with disabilities.

All Title X funded agencies must review and comply with Section 1557: <http://www.hhs.gov/civil-rights/forindividuals/section-1557/>. Agencies must have the following at a minimum:

- Utilization of a gender inclusive comprehensive family planning history form
- Statement of nondiscrimination on major publications
- Notice of nondiscrimination available to clients
- Posted language access information

Documentation (e.g. in-service training, orientation checklist) must demonstrate that staff has been informed annually that services must be provided without regard to religion, race, color, national origin, disability, age, sex, and number of pregnancies or marital status.

Observation of the service site must demonstrate that it is physically accessible to persons living with disabilities and is open at a time that is convenient to clients. It is recommended that hours include evenings and weekends when possible.

Effective Date: March 2020

Last Reviewed: October 2019

Next Scheduled Review: February 2021



Educational materials are tailored to literacy, age, and language preferences of client populations and are available on-site.

Data from client surveys document that clients perceive providers and other clinic staff to offer services in a non-discriminatory manner.

See Also:

Family Planning Statement of Understanding