

MEDICAID POLICY INFORMATION SHEET

Policy Analyst: Lisa DiLernia

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Initial

Public Comment

Final

Brief description of policy:

This policy clarifies existing nondiscrimination protections established under Section 1557 of the Affordable Care Act (ACA) and corresponding regulations. Health programs receiving federal financial assistance may not exclude individuals from participation in, deny the benefits of, or subject individuals to discrimination on the basis of race, color, national origin, sex, age, or disability.

Reason for policy (problem being addressed):

The purpose of this policy is to notify all areas within the Michigan Department of Health and Human Services (MDHHS) and providers of Michigan Medicaid health care services that they must be in compliance with federal nondiscrimination regulations.

Budget implication:

budget neutral

will cost MDHHS \$ _____, and (select one) budgeted in current appropriation

will save MDHHS \$ _____

Is this policy change mandated per federal requirements?

Yes, 45 CFR Part 92.

Does policy have operational implications on other parts of MDHHS?

Yes, any area not in compliance with the federal regulations.

Does policy have operational implications on other departments?

Yes, any department not in compliance with federal regulations.

Summary of input:

controversial (Explain)

acceptable to most/all groups

limited public interest/comment

Supporting Documentation:

| | |
|--|---|
| State Plan Amendment Required: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Public Notice Required: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| If Yes, please provide status: <input type="checkbox"/> Approved <input type="checkbox"/> Pending <input type="checkbox"/> Denied | If yes, Submission Date: |
| Date: _____ Approval | Date: _____ |

| | | |
|---------------------------------|---|---|
| DRAFT FOR PUBLIC COMMENT | | |
| | Michigan Department of Health and Human Services | Project Number: 1851-ACA Date: January 11, 2019 |

Comments Due: February 15, 2019
Proposed Effective Date: April 1, 2019
Direct Comments To: Lisa DiLernia
Address: Program Policy Division/MDHHS/MSA/CCC 7th Floor
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Policy Subject: Compliance with Federal Nondiscrimination Provisions

Affected Programs: Medicaid, Healthy Michigan Plan, Maternity Outpatient Medical Services, Children's Special Health Care Services, MI Health Link

Distribution: All Providers

Summary: This policy clarifies existing nondiscrimination protections established under Section 1557 of the Affordable Care Act (ACA), and corresponding regulations. Health programs receiving federal financial assistance may not exclude individuals from participation in, deny the benefits of, or subject individuals to discrimination on the basis of race, color, national origin, sex, age, or disability.

Purpose: The purpose of this policy is to notify all areas within the Michigan Department of Health and Human Services (MDHHS) and providers of Michigan Medicaid health care services that they must be in compliance with federal nondiscrimination regulations.

Cost Implications: Budget neutral.

Potential Hearings & Appeal Issues: None anticipated.

| | |
|--|---|
| State Plan Amendment Required: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, date submitted: | Public Notice Required: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Submitted date: |
|--|---|

Tribal Notification: Yes No - **Date:**

THIS SECTION COMPLETED BY RECEIVER

| | |
|---|--|
| <input type="checkbox"/> Approved | <input type="checkbox"/> No Comments |
| <input type="checkbox"/> Disapproved | <input type="checkbox"/> See Comments Below |
| | <input type="checkbox"/> See Comments in Text |

| | |
|-------------------|---------------------|
| Signature: | Phone Number |
|-------------------|---------------------|

Signature Printed:

| | |
|--|-------------|
| Bureau/Administration <i>(please print)</i> | Date |
|--|-------------|

Proposed Policy Draft

Michigan Department of Health and Human Services
Medical Services Administration

Distribution: All Providers

Issued: March 1, 2019 (Proposed)

Subject: Compliance with Federal Nondiscrimination Provisions

Effective: April 1, 2019 (Proposed)

Programs Affected: Medicaid, Healthy Michigan Plan, Maternity Outpatient Medical Services, Children's Special Health Care Services, MI Health Link

This bulletin is being issued in accordance with Section 1557 of the Patient Protection and Affordable Care Act (42 USC 18116), which provides that an individual shall not be excluded from participation in, be denied the benefits of, or be subjected to discrimination on the grounds prohibited under Title VI of the Civil Rights Act of 1964, 42 USC 2000d et seq. (race, color, national origin), Title IX of the Education Amendments of 1972, 20 USC 1681 et seq. (sex, gender identification, sexual orientation), the Age Discrimination Act of 1975, 42 USC 6101 et seq. (age), or Section 504 of the Rehabilitation Act of 1973, 29 USC 794 (disability), under any health program or activity, any part of which is receiving federal financial assistance, or under any program or activity that is administered by an Executive Agency or any entity established under Title I of the Affordable Care Act or its amendments.

The Michigan Department of Health and Human Services (MDHHS) will continue to apply nondiscriminatory criteria across all programs it administers. This includes, but is not limited to, the coverage of medically necessary health care services that are evidence-based and provided within generally accepted standards of medical practice to prevent, diagnose or treat an illness, injury, condition, disease or its symptoms.

All Michigan Medicaid program participants and providers are encouraged to review the above laws and regulations, as well as guidance from the U.S. Department of Health and Human Services (HHS) Office of Civil Rights and take the necessary steps to ensure compliance with all relevant nondiscrimination provisions. Failure to comply may result in the provider's disenrollment from the Michigan Medicaid program.