



COMBINED MEDICAID 102-1 Civil Rights

Supersedes: FMA and MA 102-1 (01/01/07)

Reference: MCA 49-2-308; ARM 37.78.102 and 37.82.101; Section 1557 of Affordable care Act

Overview: State and County staff shall not discriminate against any applicant or participant in any aspect of the program administration for reasons of race, color, national origin, age, disability, or sex or

RIGHT TO FILE A COMPLAINT

Individuals who believe that they have been subject to discrimination can file a complaint in writing by mail, fax, e-mail, or via the OCR Complaint Portal.

Office for Civil Rights

1961 Stout Street, Room 08-148

Denver, Colorado 80294

Phone: 303-844-7815

Email: ocrmail@hhs.gov

Complaint portal web address: <https://ocrportal.hhs.gov/ocr/smartscreen/main.jsf>
[ocrportal.hhs.gov]

-OR-

Civil Rights Coordinator

Human and Community Services

PO BOX 4210

Helena, MT 59604

COMPLAINT REQUIREMENTS

Any individual wanting to file a discrimination complaint shall be advised immediately of their right to do so and shall be given the necessary information (listed below) to file the complaint. When an individual asks for assistance with the complaint filing process, DPHHS staff shall assist the individual.

A complaint must be filed no later than 180 days from the date of the alleged discrimination. All complaints shall contain the following information:

1. The name, address, telephone number, and email or other means of contacting the person filing the complaint.
2. The name and location of the organization or office accused of the discriminatory practice.
3. A description of the alleged discrimination incident.
4. The reason for the alleged discrimination (race, color, national origin, sex, religious creed, disability, age, political beliefs, or reprisal or retaliation for prior civil rights activity).
5. The names, titles (if appropriate) and addresses of individuals who may have knowledge of the alleged discriminatory acts.
6. The date(s) the alleged discriminatory action(s) happened.

Language assistance services for OCR matters are available and provided free of charge. OCR services are accessible to persons with disabilities.

If a complainant makes allegations verbally and is unable or is reluctant to put the allegations in writing, the State employee to whom the allegations are made shall document the complaint in writing. Every effort shall be made by the individual accepting the complaint to have the complainant provide the information specified in 1-6 above.

FIELD STAFF RESPONSIBILITIES

1. Inform individuals of their right to file a civil rights complaint with DPHHS.
2. Describe the process to everyone expressing an interest in filing a complaint.
3. Advise individuals of their right to file a complaint and that any complaint filed with the State Office is forwarded to the appropriate Federal Office for investigation.
4. If the individual indicates they will submit a complaint directly to the OCR (Office for Civil Rights) or State Agency, field staff will send an email to their direct supervisor within 1 business day alerting him/her that there is a potential civil rights complaint being submitted by the client – email must include the case number and brief description of the potential complaint.
5. If the individual makes verbal allegations and is reluctant to put their complaint into writing, field staff should attempt to obtain all required information from the client, document the complaint in writing and send this documentation to their direct supervisor within 1 business day.
6. Assure all complaints meet the requirements stated above.
7. Respond promptly to any requests from management regarding the complaint, and include your direct supervisor in any responses.
8. Do not engage in any further discussion with the client about the complaint. If the client initiates additional conversation, assure them that they will hear from the agency they submitted their complaint to within 10 business days and inform your direct supervisor of the discussion

SUPERVISOR RESPONSIBILITIES

1. Acknowledge receipt of the information and remind staff member to not engage in any further discussion with the client regarding the complaint.
2. Forward information to Policy Bureau Chief within 1 business day of receipt.
3. Respond promptly to any requests from management regarding the complaint and include your direct supervisor on any response.
4. Train all staff involved with administering Medicaid on an ongoing basis about civil rights requirements.
5. Ensure all offices involved in determining eligibility or issuing Medicaid benefits display nondiscrimination posters approved or provided by OCR,
6. Provide bilingual Medicaid services in areas with a significant proportion of non-English or limited English-speaking persons.
7. Provide Language access services when needed.

CENTRAL OFFICE & CIVIL RIGHTS COORDINATOR RESPONSIBILITIES

1. Policy Bureau Chief will communicate complaints received with the Civil Rights Coordinator and DPHHS legal team.
2. Copies of complaints are sent to the Regional Office for Civil Rights within five days of receipt.
3. Publicize the federal procedures for filing a complaint regarding discrimination.
4. Respond to requests for information regarding nondiscrimination statutes and policies, complaint procedures, and the rights of clients within 10 days of the date of the request.
5. Include a nondiscrimination statement on all program informational material.
6. Ensure all graphics for Medicaid information convey the message of equal opportunity by displaying clients of different races, colors, sexes, and national origins.
7. Acknowledge receipt of any civil rights complaints received within five days and advise the complainant of the action(s) planned with a copy (cc) to the Office of Public Assistance (OPA);
8. Maintain a log of all complaints received including complainant's name, date of incident, date of complaint, basis of complaint, and the resolution of the complaint including the date of resolution. Forward the associated records to OCR prior to issuing a final disposition of the complaint.
9. Maintain a file of all discrimination and general complaints for review by federal and state reviewers.
10. Train all staff involved with administering Medicaid on an ongoing basis about civil rights requirements.
11. Inform households and grassroots Medicaid organizations of program changes

OTHER COMPLAINTS:

Complaints, other than Civil Rights complaints, such as processing delays or general service, must be investigated and resolved by the:

1. Eligibility Supervisor;
2. Field Operation Manager; or

3. Regional Field Manager.

RACIAL/ETHNIC DATA COLLECTION

DPHHS obtains data on MEDICAID recipients by racial/ethnic category. Applicants are requested to voluntarily provide their race or ethnicity on application forms. The application form must clearly indicate that the information is voluntary, that it will not affect the eligibility or the level of benefits, and that the reason for the information is to assure that program benefits are distributed without regard to race, color, or national origin.

Effective Date: November 15, 2024