


Discrimination in Services Provision

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|  | Louisiana Department of Health (LDH) | |
| | Policy Number | 73.1 |
| | Content | Policy, Standards and Procedures for Discrimination in Service Complaints - Title VI Investigation Procedure |
| | Effective Date | June 18, 2013 |
| | Inquiries to | Office of the Secretary Bureau of Legal Services P.O. Box 3836 Baton Rouge, Louisiana 70821-3836 (225) 342-1112 FAX (225) 342-2232 |

LDH is committed to fostering, cultivating and preserving a culture of equity, diversity and inclusion. Our human capital is the most valuable asset we have. The collective sum of the individual differences, life experiences, knowledge, inventiveness, innovation, self-expression, unique capabilities and talent that our employees invest in their work represents a significant part of not only our culture, but our Department’s reputation and achievement as well.

If there is a discrepancy between an LDH Policy and a Program Office or facility policy, the LDH policy shall govern/overrule/supersede the conflicting section within the Program Office or facility policy.

I. EQUAL DELIVERY OF SERVICES

The Louisiana Department of Health (LDH) reaffirms its policy for the Equal Delivery of services, goods, facilities, privileges, advantages and accommodations. LDH will administer all programs and conduct its business, either directly or indirectly or through contractual or other arrangements, in accordance with Title VI of the Civil Rights Act of 1964 (42 U. S.C. 2000 et seq.); Title 45 of the Code of Federal Regulations, Part 80, as amended through July 5, 1973; Section 504 of the Rehabilitation Act of 1973 as amended (29 U.S.C. 706); American with Disabilities Act (ADA)(P.L. 101-336); and in accordance with those provisions of federal and state law which prohibit discrimination in the delivery of services funded through Block Grants (P.L. 97-35 and La R.S. 49:673) and the Department's Statement of Compliance.

No persons shall on the ground of age, sex, religion, race, color, national origin or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under

any program or activity conducted in this Department. LDH will take appropriate action to insure that the above will be implemented at all levels of administration.

The Secretary, LDH, has overall responsibility for the policy and program development under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. Responsibility for the coordination and implementation has been placed with the Director of the Bureau of Human Rights.

Any person who believes that they, or any specific class of persons, have been subjected to discrimination covered by Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, as amended, or the Americans with Disabilities Act may without fear of reprisal or coercion, file a written complaint with the Director of the Bureau of Legal Services P.O. Box 3836, Baton Rouge, Louisiana 70821-3836 or the Dallas Regional Office for Civil Rights, 1200 Main Tower, Dallas Texas 75202.

It is the policy of LDH to resolve all complaints alleging discrimination based on age, race, color, sex, disability, religion, national origin or political belief. Any person who believes that they or any specific class of persons have been subjected to discrimination in any agency program, may file a written complaint. The identity of the complainants will be kept confidential except to the extent necessary for conducting the investigation. Any act or acts of intimidation or retaliation against any individual making a complaint shall be prohibited. The complainant should use the form adopted by the Bureau of Human Rights which is attached to this policy. Copies of this form may be made for that purpose.

II. APPLICABILITY

The policy shall apply to all offices of LDH providing financial, social or health care services, goods, facilities, privileges, advantages and accommodations. The policy shall also apply to any agency providing these services whether directly or indirectly or through contractual or other arrangements in accordance with those provisions of Federal and State law which prohibit discrimination in the delivery of services. This complaint procedure carries the regulations for Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Federal Block Grants (P.L. 97-35) and the Americans with Disabilities Act (P.L. 101 336).

III. STANDARDS

1. A complaint may be filed with Department of Health and Hospitals, Bureau of Human Rights or DHHS Regional Office of Civil Rights at the following addresses:

The Louisiana Department of Health (LDH)
Office of the Secretary
Bureau of Legal Services
P.O. Box 3836
Baton Rouge, LA. 70821-3836

Department of Health and Human Services (DHHS)
Regional Office for Civil Rights
1200 Main Tower, Suite 1900
Dallas, Texas 75202

2. The complaint must be filed no later than 180 days from the date of the alleged discrimination act or acts.
3. The complaint must describe the type of discrimination alleged, indicate when and where such discrimination took place and describe all pertinent facts and circumstance surrounding the alleged discrimination.
4. After determining that the complaint falls within the jurisdiction of the Louisiana Department of Health, Bureau of Human Rights, the Director of the Bureau of Human Rights will initiate a prompt and thorough investigation of the complaint.
5. The complainant must be given a status report within thirty (30) days of the complaint.
6. The Louisiana Department of Health, Bureau of Human Rights will maintain records to show the nature of the complaint, the details of the investigation and actions.
7. All complaint records will be available for review by LDH, and other responsible officials.

IV. PROCEDURES

1. All complaints will be acknowledged within ten (10) working days of receipt of complaint.
2. After determining that the complaint falls within the jurisdiction of the Bureau of Human Rights, the Director will notify the Office against which the complaint is filed and initiate a response and thorough investigation of the complaint.
3. The complaint investigation will include the following steps:
 - a) Interviewing the complainant to get all details of the complaint;
 - b) Contacting the Office complained against to secure information about the complaint incident and the overall arrangement for providing services;
 - c) Obtaining copies of any appropriate documents, records or statistics which would support or rebut the complaint.
4. After completing the investigation, the investigator for the Bureau of Human Rights will submit a written report of the findings of the complaint to the complainant and to the agency against which the complaint is lodged.

5. If the determination is made that there is a valid complaint, necessary steps must be taken by the Office's Assistant Secretary or facility administrator to correct the discriminatory practice within a designated period of time and prevent any recurrence of such practices.

Steps 3 and 4 of the Procedure will be completed within sixty (60) days from receipt of a complaint or within such additional time as may be allowed by the Bureau of Human Rights for good cause. In the written notice of the decision, the complainant shall be advised that if they are not satisfied with the decision, it may be appealed to DHHS Office of Civil Rights, or other appropriate federal regulatory agencies.

V. REVISION HISTORY

| Date | Revision |
|--------------------|-----------------|
| January 1, 1978 | Policy created |
| August 15, 1979 | Policy revised |
| June 16, 1982 | Policy revised |
| March 1, 1987 | Policy revised |
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| October 1, 1994 | Policy revised |
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