

METHODS OF ADMINISTRATION
FOR IMPLEMENTATION OF CIVIL RIGHTS, STATEMENT OF COMPLIANCE

The Department of Health and Hospitals (hereafter referred to as the agency) will administer all programs and will conduct its business, either directly, 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., hereafter referred to as Title VI), Title 45 of the Code of Federal Regulations, Part 80, as amended through July 5, 1973 (hereafter referred to as the Regulations), and the Agency's Statement of Compliance relating thereto. The methods the Agency will utilize to accomplish this will include, but not necessarily be limited to, the following:

I. Documentation of the Agency as Designated Agency for Receipt of Federal Funds.

The Agency will attach documentation to show that it is the designated agency to receive Federal funds for all programs. Such documentation for the agency must include an overall organization chart of the entire agency and attachments depicting the organization of each operating component of said agency. Any change in this structure will be communicated immediately to the DHHS Regional Office for Civil Rights. 45 CFR Sec. 80.4 (b) (2)

II. Assignment of Title VI Responsibility.

A. The Title VI Director

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The Agency will designate the Secretary of the Department of Health and Hospitals as the official ultimately responsible for Title VI compliance. The Secretary will delegate the activities related to Title VI compliance to the Director of the Louisiana Department of Health and Hospitals Civil Rights Bureau (hereafter, "Director"). The name and qualifications of the person to whom these responsibilities are delegated must be submitted to DHHS-OCR. Any change in this delegation will be communicated to the DHHS-OCR Regional Office for Civil Rights immediately. The identity of the Secretary of the Louisiana Department of Health and Hospitals and the Director of the Louisiana Department of Health and Hospitals-Civil Rights Bureau must appear on all internal and external communications regarding the Agency's Title VI Program.

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B. The Director will be responsible for insuring that Assistant Secretaries/Administrators assign to supervisory personnel the responsibility for Title VI compliance activities and operations in their areas of supervision, including reviews for compliance and reports relating to compliance.

C. All Personnel.

All personnel will be held responsible for performing their duties in compliance with Title VI.

III. Authority.

A. The Director will be given full authority for the implementation of the Title VI compliance standards established by the Regional DHHS-OCS.

B. The Director will:

1. Develop Title VI policy statements and Title VI compliance programs which the DHHS-OCR determines necessary to fulfill the requirements of these Methods of Administration.
2. Keep the Secretary, Management and Supervisory personnel informed of all Title VI requirements and responsibilities.
3. Serve as a resource person for Agency staff, managers, and supervisors in their Title VI responsibilities.
4. Provide technical assistance to the Agency staff, managers, and supervisors in their Title VI responsibilities.
5. Assign Louisiana Department of Health and Hospitals Civil Rights Bureau personnel to perform annual reviews, investigate complaints of discrimination in program delivery; and will initiate other Title VI implementation procedures as required in 45 CFR Part 80 and outlined by the Regional DHHS Office for Civil Rights.
6. Monitor the Title VI activity of the Agency.

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7. Make follow-up reviews of all DHH facilities and recommend remedial action to the Secretary and/or the appropriate management personnel.
8. Evaluate the effectiveness of the Title VI program of the Agency on a continuing basis and submit quarterly reports to both the Secretary and DHHS-OCR regarding the Title VI data analysis, training, reviews, etc. as requested and outlined by DHHS-OCR.
9. Oversee the preparation of compliance reports for submission to DHHS-OCR as required under Section 80.6 (b) of the Regulation and as requested and outlined in DHHS-OCR.
10. Act as liaison between the Agency and DHHS-OCR.
11. Establish and maintain liaison with pertinent professional and civil rights organizations and other community action groups concerned with the delivery of the Agency's services.
12. Maintain essential records and files relative to Title VI and the Title VI program as requested by the Regional DHHS-Office for Civil Rights and as required in 45 CFR Part 80.6.
13. Utilize all available resources to apprise all agency personnel and assure that members of its staff - especially those who have contact with program beneficiaries - are aware of the ethnic, cultural and language differences of minority groups.
14. Be provided with the necessary staffing to accomplish the implementation of Title VI compliance programs throughout the Agency.

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IV. Program Administration.

A. New Programs

Prior to the implementation of any new program or new method for providing existing services, a study and report must be made of the impact on minority groups which the implementation will have, and the accessi-

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bility of the services, as proposed, to minority clients and prospective clients. Methods of recording and reporting the delivery of the services by race must be kept by each Agency facility, institution, or local office participating in the program. 45 CFR Sec. 80.6 (b)

B. Sites for Program Delivery

The site of the offices or facilities of the Agency or of a vendor-recipient with whom the Agency contracts for the delivery of services will be reasonably accessible to all minority groups, or some alternative service plan must be provided to overcome any such disadvantage to the minority groups. 45 CFR Secs. 80.3 (b) (3) and 80.5 (i) (j)

C. Effects of Discrimination

The Agency will take any affirmative Action which DHHS-OCR determines necessary to overcome the effects of conditions which result or have resulted in limiting participation in any program by persons of a particular race, color, or national origin. 45 CFR Sec. 80.3 (b) (6) (i) (ii)

D. Language and Cultural Capability of Staff

The Agency will ensure that minority clients are assigned to staff (e.g., caseworkers) who are culturally and linguistically competent to serve them. This is not to imply that the staff member should be of the same race or national origin as the client but that (1) where there are clients or potential clients who cannot express themselves fluently in English, there will be sufficient numbers of adequately placed personnel who are fluent in their language, to serve them, and (2) Agency staff will be sensitive to special needs occasioned by the culture of particular clients and will meet those special needs with special assignments. 45 CFR Sec. 80.5 (j), and Lau v. Nichols, 414 U.S. 563 (1974).

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E. Training

1. The Agency will ensure that assignments for all training, schooling, conferences, etc., for which participants are selected from Agency employees, will be made without regard to race, color, or national origin. 45 CFR Sec. 80.3 (b) (vi), and Sec. 80.3 (b) (4).
2. The Agency will ensure that supervisors and other members of its staff are provided with ongoing training designed to instill awareness of ethnic and cultural characteristics and to develop capability for responding to unique cultural needs of minority beneficiaries.

The basic training shall include:

- a. Title VI requirements
- b. Compliance review techniques and procedures
- c. Procedures and investigating complaints of discrimination
- d. Cultural awareness

F. Boards

The Agency shall provide racial and nationality groups the opportunity for membership on its planning and advisory bodies. The Agency must provide DHHS-OCR with the documentation which will show the efforts which have been made to make such positions available to the minority community. 45 CFR Sec. 80.3 (b) (vii).

V. Policy Dissemination 45 CFR 80.6 (d)

A. To Agency Employee

1. Copies of the following documents will be made accessible to all employees:
 - a. Title VI
 - b. The Regulation
 - c. Statement of Compliance and Methods of Administration filed by the Agency.

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2. All employees must be notified by memorandum of any policy changes, pressing problems, or other matters concerning Title VI as soon as this information becomes available to the appropriate Agency Officials.
 3. All new employees must receive orientation which includes discussion of the requirements of Title VI and the policies of the Agency pertaining thereto.
 4. At least once annually all employees of the Agency must receive training to include the discussion of new policies, current problems and other matters relating to compliance with Title VI.
- B. The Louisiana Department of Health and Hospitals shall reissue annually its policy regarding the non-discriminatory provision of services, the delivery of financial aid and all other benefits under its programs. The Agency's reissuance of its Title VI policy shall be documented for DHHS-OCR. The policy must be issued to each agency, facility, institution, local office, and vendor as well as on correspondence with beneficiaries, clients, applicants for assistance, and in its publications and announcements.
- C. Regarding the Rights to File Complaints 45 CFR Sec. 80.7 (b). The Title VI Policy as disseminated shall include information regarding the rights to file complaints, and the addresses of both the DHH-Civil Rights Bureau and the DHHS-Office for Civil Rights to which complaints may be sent. (See VII, information.)
- D. Language Consideration 45 CFR Sec. 80.5 (j)

In areas where there are significant numbers of non-English speaking minorities, the Agency shall communicate its policy, including complaint rights, in appropriate languages.

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VI. Racial and Ethnic Data

The Agency will collect and maintain racial and ethnic data showing the extent to which members of minority groups are beneficiaries of and participants in its programs. Consideration of privacy or confidentiality will not be used as a bar to providing access by DHHS Office for Civil Rights to records or data. 45 CFR Sec. 80.6 (b)

VII. Initial and Periodic Compliance Reviews:

A. The Agency must develop procedures to analyze and evaluate applications for a new facility or facilities with change of ownership by DHH-Office for Civil Rights; such materials will then be forwarded to DHHS-OCR for a final determination for compliance status. The action should include but not be limited to: 45 CFR Sec. 80.4 (a)

1. Initiating original packet for facility
2. Orienting the facility to Title VI and its regulations
3. Analyzing and evaluating material upon receipt
4. Determining compliance status either from submitted documentation or by on-site visit.

B. The Department of Health and Hospitals Office for Civil Rights will provide each Agency facility, institution, or local office participating in the program, with a set of Compliance Standards in accordance with these Methods of Administration. 45 CFR Sec. 80.4 (b) (2).

C. The Director of the Department of Health and Hospitals Civil Rights Bureau shall insure that evaluation of compliance with Title VI is an on-going process by means of periodic reviews of facilities that are audited in accordance with the Agency's Annual Enforcement Plan.

D. The compliance review will include but not necessarily be limited to the following:

1. Desk audits
2. A review of Title VI data and records, a conference with the facility head or his representative, and a tour of the facility.
3. Review of contractual agreements with vendors for purposes of Title VI

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- E. The review should elicit information which will provide facts related to:
1. Desegregation of physical facilities
 2. Availability of notices to clients, potential clients, and the public concerning the facility's policy of compliance with the Civil Rights Act
 3. Extent of minority participation in programs
 4. Procedures for the delivery of services
 5. Uniform use of courtesy titles
 6. Utilization of minority group staff members
 7. Referral practices
 8. Employment practices as they relate to the delivery of services
 9. Equal opportunity for participation in training programs
 10. The bilingual/bicultural capability of the staff for delivering services
 11. Staff awareness of cultural differences
 12. Periodic Title VI training of staff
- F. Upon the discovery of a suspected discriminatory act the appropriate facility recipient and Assistant Secretaries/Administrators shall be notified in writing by the DHH-Civil Rights Bureau Director of the need for an investigation in order to determine the facts.
- G. If it is found that discrimination exists the DHH-Civil Rights Bureau Director will insure that corrective action is taken within a designated period of time.
- H. If corrective action is not taken within the designated period of time, the Director of the DHH-Civil Rights Bureau will notify the Secretary of DHH of the existing situation.
- I. Follow-up action will be taken by the DHH-Civil Rights Bureau to determine that any corrective action taken eliminated the existing deficiency.
- J. A complete report of the entire review will be prepared and made a part of Agency files for review by appropriate DHHS officials.

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K. Notwithstanding the above, DHHS-Civil Rights Bureau will maintain responsibility for the conduct of Title VI reviews and investigations as provided by 45 CFR Sec. 80.7 (a).

VIII. Complaint Policy and Procedure

The Director of the DHH-Civil Rights Bureau will establish a complaint policy and procedure to include the following provisions:

A. Any person who believes that he or she, or any specific class of persons, has been subjected to discrimination covered by Title VI in an Agency program may, personally or by a representative, file a written complaint. Agency personnel will assist the complainant in the writing of the complaint if such assistance is needed.

B. A complaint may be filed with the agency or with DHHS-OCR.

C. A complaint must be filed not later than 180 days from the date of the alleged discriminatory act or acts unless they are of a continuing nature or time for filing is extended by the responsible DHHS official. 45 CFR 80.7 (b).

D. The complaint must describe the type of discrimination alleged, indicate when and where such discrimination took place, and describe all pertinent facts and circumstances surrounding the alleged discrimination.

E. After determining that the complaint falls within the jurisdiction of the DHH-Civil Rights Bureau the Director of the DHH-Civil Rights Bureau must insure a prompt and thorough investigation of the complaint. The investigation may include the following steps. Steps 1, 3, and 5 must be followed as a minimum in all investigation.

1. Interviewing the complainant to ascertain all details of the complaint
2. Interviewing community leaders and representatives of local civil rights groups

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3. Visiting any office or facility complained against, interviewing department heads and others employees who would be in a position to provide further information about either the complaint incident or the delivery of services by the Agency, and touring the office or facility where the alleged discriminatory act took place
 4. Arranging interviews with employees of the complained - against office or facility at their homes in order to avoid situations which would prove embarrassing to the employees
 5. Obtaining copies of any appropriate documents, records, or statistics which would support or rebut the complaint
- F. After the complaint has been investigated, the responsible official of the Agency will determine whether or not discrimination did in fact occur. If it is concluded that discrimination did in fact occur, necessary action will be taken to correct the discriminatory practice or to require it to be corrected, and to prevent any recurrence of such discrimination. The Agency will take follow-up action to determine that the corrective measures have eliminated the conditions that contributed to the discriminatory act.
- G. The complainant must be advised in writing within 30 days from the receipt of the complaint as to the actions taken by the Agency or status regarding the complaint. In the written notice of the decision the complainant advised that if he/she is not satisfied with the decision it may be appealed to DHHS-OCR.
- H. The Agency must maintain records to show the nature of the complaint, the details of the investigation, and the action taken by the Agency. If the complaint has been found to be valid, the records must indicate the nature of the corrective action taken. In any event, all complaint records will be available for review by appropriate DHHS officials. 45 CFR 80.6

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- I. In those cases where the complaint is filed initially with DHHS-OCR, DHHS-OCR may proceed to investigate the complaint utilizing its own resources, or it may request the Agency to conduct the investigation. In all cases DHHS-OCR and the Agency will coordinate their efforts to avoid duplication of effort.
 - J. The identity of complainants will be kept confidential except to the extent necessary for the conduct of any investigation, hearing or judicial proceeding. 45 CFR Sec. 80.7 (e)
 - K. No recipient or other person shall engage in acts of intimidation or retaliation against any individual making a complaint, or interfere with any right secured under the Federal Regulations. 45 CFR 80.7 (e)
- IX. Responsibilities of the Agency relating to its Contractors, Subgrantees, or other Vendor-Recipients
- A. The Agency will impose upon its vendor-recipients methods of compliance with Title VI comparable to these Agency Methods of Administration. 45 CFR Sec. 80.5 (a)
 - B. Vendor-recipient will be informed that their compliance with Title VI is a condition of their initial or continued participation in any part of the program in which they may be involved. The above will be accomplished by one of the following methods:
 - 1. Written information will be provided each vendor-recipient regarding the requirements of Title VI, the Regulation, and these Methods of Administration; or
 - 2. In each written authorization of the Agency for the purchase of services a requirement will be included that the services must be rendered without regard to race, color, or national origin.

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- C. The Agency will obtain from each institutional vendor-recipient (e.g., hospital) a written assurance that it will comply with Title VI, unless the Agency has documentation that the institution has executed and filed DHHS Form 441, "Assurance of Compliance," with an appropriate agency. In all contracts or written agreements entered into, a non-discrimination clause will be included. All vouchers or bills submitted to the Agency must include a certificate that the services were rendered without regard to race, color, or national origin.
- D. In accordance with its Annual Enforcement Plan the Agency will review each of its vendor-recipients to determine that the requirements of the Agency are being fulfilled and that practices being utilized conform with Title VI. If any item of discrimination is discovered, the appropriate office of the vendor will be notified in writing of the necessity for taking corrective action. The Agency will take follow-up steps to determine that corrective action eliminated the discrimination.

A complete report of the entire review will be prepared and made a part of Agency files for review by appropriate DHHS officials.

X. Amendments or Modifications to the above

These Methods of Administration may be amended or modified by mutual consent from time to time in the interest of promoting a greater degree of compliance with Title VI, the Regulation, and the Agency's Statement of Compliance.

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POLICY STATEMENT
DEPARTMENT OF HEALTH AND HOSPITALS

The Department of Health and Hospitals (DHH) reaffirms its policy for the Equal Delivery of Services and 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. 70 b), and the Agency's Statements of Compliance.

No person shall, on the ground of race, color, national origin, or handicap be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity conducted in this agency. The Department of Health and Hospitals will take appropriate action to insure that the above will be implemented at all levels of administration.

Overall responsibility for the coordination and implementation of Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 has been placed with George E. Clark, Civil Rights Coordinator for DHH and the Director of the Civil Rights Bureau.

Any person who believes that he or she, or any specific class of persons, has been subjected to discrimination covered by Title VI or Section 504 of the Rehabilitation Act of 1973, as amended, may without fear of reprisal or coercion, file a written complaint with Mr. Clark at 546 Main Street, Baton Rouge, Louisiana 70801 or the Dallas Regional Office for Civil Rights, 1200 Main Tower, Dallas, Texas 75202.

David L. Ramsey

David L. Ramsey, Secretary
Department of Health and Hospitals

J. Christopher Pilley

J. Christopher Pilley, Undersecretary
Department of Health and Hospitals

George E. Clark

George E. Clark, Director
DHH-Civil Rights Bureau

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