DEKALB COUNTY GOVERNMENT
AFFORDABLE CARE ACT GRIEVANCE POLICY

Reviewed For Updates March 1, 2018

RESOLUTION
R2016-74

A RESOLUTION ADOPTING AN AFFORDABLE CARE ACT GRIEVANCE PROCEDURE

WHEREAS, DeKalb County Government is statutorily bound to adhere to the requirements of the federal Patient Protection and Affordable Care Act (PPACA) approved on March 23, 2010; and

WHEREAS, Section 1557 is the nondiscrimination provision of PPACA and prohibits discrimination on the basis of race, color, national origin, sex, age, or disability in certain health programs or activities; and

WHEREAS, DeKalb County Government receives Federal Financial Assistance from the Department of Health and Human Services and is therefore considered a Covered Entity under Section 1557 of PPACA; and

WHEREAS, Covered Entities with fifteen or more employees must not only comply with Section 1557 of PPACA but must also adopt an internal grievance procedure and designate a Section 1557 Coordinator to provide for prompt and equitable resolution of complaints alleging any action prohibited by Section 1557 of PPACA; and

WHEREAS, the Finance Committee has reviewed the attached DeKalb County Government Health Plan Affordable Care Act Grievance Procedure and has determined that it adequately addresses the grievance procedure requirements of Section 1557 of PPACA;

NOW, THEREFORE, BE IT RESOLVED, by the DeKalb County Board, that DeKalb County Government hereby adopts the attached DeKalb County Government Health Plan Affordable Care Act Grievance Procedure effective July 18, 2016.

PASSED AT SYCAMORE, ILLINOIS, THIS 19TH DAY OF OCTOBER, 2016 A.D.

SIGNED:

Mark Pietrowski, Jr.
County Board Chairman

ATTEST:

Douglas J. Johnson
DeKalb County Clerk

COUNTY CLERK DEKALB COUNTY ILLINOIS

DeKalb County Government Health Plan
Affordable Care Act Grievance Procedure
Effective July 18, 2016

It is the policy of the **DeKalb County Government Health Plan** not to discriminate on the basis of race, color, national origin, sex, age, or disability. The **DeKalb County Government Health Plan** has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Section 1557 of the Affordable Care Act (42 U.S.C. § 18116) and its implementing regulations at 45 C.F.R. pt. 92, issued by the U.S. Department of Health and Human Services. Section 1557 prohibits discrimination on the basis of race, color, national origin, sex, age, or disability in certain health programs and activities. Section 1557 and its implementing regulations may be examined in the office of **Peter J. Stefan, Finance Director, DeKalb County Government, Finance Office, 200 North Main Street, Suite 210, Sycamore, Illinois 60178; (815) 895-7127; pstefan@dekalbcounty.org** or via fax at **(815) 895-7129,** who has been designated the Section 1557 Coordinator to coordinate the efforts of the **DeKalb County Government Health Plan** to comply with Section 1557.

Any person who believes someone has been subjected to discrimination on the basis of race, color, national origin, sex, age, or disability may file a grievance under this procedure. It is against the law for the **DeKalb County Government Health Plan** to retaliate against anyone who opposes discrimination, files a grievance, or participates in the investigation of a grievance.

Procedure:

- Grievances must be submitted to the Section 1557 Coordinator within 60 days of the date the person filing the grievance becomes aware of the alleged discriminatory action.

- A complaint must be in writing, containing the name and address of the person filing it. The complaint must state the problem or action alleged to be discriminatory and the remedy or relief sought. The Section 1557 Coordinator, or his designee, shall conduct an investigation of the complaint. This investigation may be informal, but it will be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint. The Section 1557 Coordinator will maintain the files and records of the **DeKalb County Government Health Plan** relating to such grievances. To the extent possible, and in accordance with applicable law, the Section 1557 Coordinator will take appropriate steps to preserve the confidentiality of files and records relating to grievances and will share them only with those who have a need to know.

- The Section 1557 Coordinator will issue a written decision on the grievance, based on a preponderance of the evidence, no later than 30 days after its filing, including a notice to the complainant of their right to pursue further administrative or legal remedies.

- The person filing the grievance may appeal the decision of the Section 1557 Coordinator by writing to the **Finance Committee of the DeKalb County Board, Finance Office, 200 North Main Street, Suite 210, Sycamore, Illinois 60178** within 15 days of receiving the Section 1557 Coordinator's decision. The **Finance Committee of the DeKalb County Board** shall issue a written decision in response to the appeal no later than 30 days after its filing.

The availability and use of this grievance procedure does not prevent a person from pursuing other legal or administrative remedies, including filing a complaint of discrimination on the basis of race, color, national origin, sex, age, or disability in court or with the U.S. Department of Health and Human Services, Office for Civil Rights. A person can file a complaint of discrimination electronically through the Office for Civil Rights Complaint Portal, which is available at: https://ocrportal.hhs.gov/ocr/portal/lobby.jsf, or by mail or phone at:

U.S. Department of Health and Human Services
200 Independence Avenue, SW
Room 509F, HHH Building
Washington, DC 20201
1-800-368-1019, 800-537-7697 (TDD)

Complaint forms are available at: http://www.hhs.gov/ocr/office/file/index.html. Such complaints must be filed within 180 days of the date of the alleged discrimination.

The **DeKalb County Government Health Plan** will make appropriate arrangements to ensure that individuals with disabilities and individuals with limited English proficiency are provided auxiliary aids and services or language assistance services, respectively, if needed to participate in this grievance process. Such arrangements may include, but are not limited to, providing qualified interpreters, providing taped cassettes of material for individuals with low vision, or assuring a barrier-free location for the proceedings. The Section 1557 Coordinator will be responsible for such arrangements.