

Section 1557 Requirement Checklist

[Section 1557](#) is the nondiscrimination provision of the Affordable Care Act (ACA). The law prohibits discrimination on the basis of race, color, national origin, sex, age, or disability in certain health programs or activities. §1557 builds on long-standing and familiar Federal civil rights laws: Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, §504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975. §1557 extends nondiscrimination protections to individuals participating in:

- Any health program or activity any part of which received funding from the US Department of Health and Human Services (HHS);
- Any health program or activity that HHS itself administers;
- Health insurance marketplaces and all plans offered by issuers that participate in those marketplaces; and
- Any health program or activity receiving federal financial assistance (FFA) from HHS, such as Medicaid and Medicare Parts A, C and D as well as grants and credits from HHS such as meaningful use payments.

The following checklist is designed to help ensure that eligible health centers are in compliance with §1557 requirements. While the regulation does not explicitly require policies or procedures, organizational policies should be reviewed to ensure they align with and reflect the requirements.

Additional information and resources can be found on the [Office of Civil Rights \(OCR\) website](#).

Notice Requirements

Requirement	How To Do It	Date Completed	Staff Member
<p>Entities must develop and post notice of nondiscrimination on the basis of race, color, national origin, age, disability, or sex.</p> <p>Health centers with 15 or more employees must include information on grievance procedures.</p>	<ol style="list-style-type: none"> 1. Download Sample Notice of Nondiscrimination from the HHS website. 2. Edit document to reflect health center information. 3. Post notice <ul style="list-style-type: none"> • clearly visible in the health center office; • on health center website (if applicable); and • in significant publications and communications. <p>For smaller publications and communications (e.g., postcards and trifold brochures), post abbreviated version of notice: “[NAME OF HEALTH CENTER] complies with applicable Federal civil rights laws and does not discriminate on the basis of race, color, national origin, age, disability, or sex.”</p>		

Notes

Tagline Requirements

Requirement	How To Do It	Date Completed	Staff Member
<p>Entities must develop taglines in the top 15 non-English languages spoken in the state.</p>	<ol style="list-style-type: none"> 1. Visit the Centers for Medicare and Medicaid Services website for the top 15 non-English languages in state. 2. Visit the Office for Civil Rights website for taglines translated into various languages. 3. Prepare your state specific tagline document. 4. Post taglines: <ul style="list-style-type: none"> • clearly visible in the health center office; • on the health center website (if applicable); and • in significant publications and communications. <p>For smaller publications and communications (e.g., postcards and trifold brochures), post taglines in the top 2 non-English languages spoken in your state.</p>		

Notes

Race, Color, or National Origin Nondiscrimination

Requirement	How To Do It	Date Completed	Staff Member
<p>Entities may not segregate, delay, or deny services or benefits based on an individual's race, color, or national origin.</p> <p>§ 1557 protects individuals in the United States, whether lawfully or not, who experience discrimination based on any of § 1557's prohibited bases.</p>	<ol style="list-style-type: none">1. Ensure policies, procedures, and practices do not segregate, delay, or deny services based on an individual's race, color or national origin.		

Notes

Limited English Proficiency (LEP) Nondiscrimination

Requirement	How To Do It	Date Completed	Staff Member
<p>An entity must take reasonable steps to provide meaningful access to each individual with limited English Proficiency (LEP) eligible to be served or likely to be encountered.</p> <p>Reasonable steps may include the provision of language assistance services, such as oral language assistance or written translations.</p> <p>Language services must be provided free of charge, be accurate and timely, and protect the privacy and independence of the individual with limited English proficiency.</p>	<ol style="list-style-type: none"> 1. Identify qualified interpreters and translators for the languages most likely to be encountered in your office. <ul style="list-style-type: none"> • Staff members who interpret or translate must meet quality standards, and have interpretation or translation duties included in their job description; and • Obtain business associate agreements for non-staff interpreters and translators to comply with HIPAA. 		
<p>An entity must offer a qualified interpreter when oral interpretation is a reasonable step to provide an individual with meaningful access.</p> <p>Translators and interpreters for individuals with LEP and individuals with disabilities must meet the rule's requirements for "qualified interpreters," "qualified translators," and "qualified bilingual staff." A patient's family member does not meet this requirement.</p>	<ol style="list-style-type: none"> 1. Ensure interpreters and translators meet the following quality standards: <ul style="list-style-type: none"> • Proficient in English and the non-English language; • Able to interpret/translate effectively, accurately and without judgment; • Knows relevant health care vocabulary, terminology and phrases; and • Adhere to principles of interpreter/translator ethics, including patient confidentiality. 		
<p>If a qualified interpreter for individuals with LEP is provided through a video remote interpreting service, the connection must meet quality requirements.</p>	<ol style="list-style-type: none"> 1. Ensure audio-visual communications meet the following quality standards: <ul style="list-style-type: none"> • Real-time, full-motion video and audio over a dedicated high-speed, wide-bandwidth video connection or wireless connection that delivers high-quality video images that do not produce blurry or grainy images, or irregular pauses in communications; • A sharply defined image that is large enough to display the interpreter's face and the participating individual's face regardless of the individual's body position; • A clear, audible transmission of voices; and • Adequate training to users of the technology and other involved individuals so that they may quickly and efficiently set up and operate the video remote interpreting. 2. Ensure the technology is HIPAA-compliant and appropriate safeguards are in place to help prevent a reportable data breach. 		

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Limited English Proficiency (LEP) Nondiscrimination			
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If a qualified interpreter for individuals with LEP is provided through a video remote interpreting service, the connection must meet quality requirements.	<ol style="list-style-type: none">1. Ensure audio-visual communications meet the following quality standards:<ul style="list-style-type: none">• Real-time, full-motion video and audio over a dedicated high-speed, wide-bandwidth video connection or wireless connection that delivers high-quality video images that do not produce blurry or grainy images, or irregular pauses in communications;• A sharply defined image that is large enough to display the interpreter's face and the participating individual's face regardless of the individual's body position;• A clear, audible transmission of voices; and• Adequate training to users of the technology and other involved individuals so that they may quickly and efficiently set up and operate the video remote interpreting.2. Ensure the technology is HIPAA-compliant and appropriate safeguards are in place to help prevent a reportable data breach.		
Notes			

Sex Nondiscrimination

Requirement	How To Do It	Date Completed	Staff Member
<p>Entities must provide equal access to health care, health insurance coverage, and other health programs without discrimination based on sex, including pregnancy, gender identity, or sex stereotypes.</p>	<p>1. Ensure policies, procedures, and practices reflect equal access in regards to pregnancy, gender identity, and sex stereotypes.</p>		
<p>Entities must treat individuals consistent with their gender identity, including with respect to access to facilities, such as bathrooms and patient rooms.</p>	<p>1. Ensure policies, procedures, and practices treat individuals consistent with their gender identity.</p>		

Notes

Age Nondiscrimination

Requirement	How To Do It	Date Completed	Staff Member
<p>An entity may not exclude, deny or limit benefits and services based on an individual's age.</p> <p>A covered entity may base its actions on age when it is a factor necessary to the normal operation, or achievement of a statutory objective of a program. Therefore, this standard does not apply to any age distinction that is authorized under federal, state, or local law.</p> <p>A covered entity may also provide different treatment based on age when the treatment is justified by scientific or medical evidence (e.g., a physician may decide to deny a mammogram to a woman under a certain age because recent medical studies have suggested that mammograms may be more harmful than helpful to young women), or based on a specialty (e.g., pediatricians are not required to treat adults and gerontologists not required to treat children).</p>	<ol style="list-style-type: none"> 1. Ensure policies, procedures, and practices do not exclude, deny, or limit services based on an individual's age. 		

Notes

Disability Nondiscrimination

Requirement	How To Do It	Date Completed	Staff Member
<p>An individual may not be excluded or denied benefits or services due to a disability.</p> <p>Entities must make reasonable changes to policies, procedures and practices where necessary to provide equal access for individuals with disabilities.</p>	<p>1. Ensure policies, procedures, and practices allow for reasonable changes to provide equal access to individuals with disabilities.</p>		
<p>Entities must make all health programs and activities provided electronically (e.g., through online appointment systems, electronic billing, information kiosks, etc.) accessible to individuals with disabilities.</p>	<p>1. Ensure all electronic health programs and activities are accessible to individuals with disabilities.</p> <p>Example: a doctor’s office that requires patients to make appointments only online must modify its procedures so that a person with a disability who cannot use the required method can still make an appointment.</p>		
<p>Entities must ensure newly constructed and altered facilities are physically accessible to individuals with disabilities.</p>	<p>1. When planning construction or an alteration project, consult a qualified attorney to determine if §1557 applies, and if so which accessibility standards must be met.</p>		
<p>Entities must provide effective communication with individuals with disabilities, including patients and their companions.</p> <p>Auxiliary aids and services must be provided to individuals with disabilities free of charge and in a timely manner when necessary to ensure an equal opportunity to participate and benefit from the entity’s health programs or activities.</p>	<p>1. Ensure patients have access to auxiliary aids and services that may include, but are not limited to:</p> <ul style="list-style-type: none"> • Qualified sign language interpreters; • Captioning; • Large print materials; • Screen reader software; • Text telephones (TTYs); and • Video remote interpreting services. 		
Notes			

Grievance Procedures

Requirement	How To Do It	Date Completed	Staff Member
<p>An entity with 15 or more employees is required to have a grievance procedure.</p>	<ol style="list-style-type: none"> 1. Designate an employee to coordinate your efforts. 2. Develop and implement a grievance procedure that includes (Sample Grievance Procedure) <ul style="list-style-type: none"> • Appropriate due process standards; and • Prompt and equitable resolution of grievances alleging noncompliance. 3. Include information in notice of nondiscrimination. 		

Notes

Assurances

Requirement	How To Do It	Date Completed	Staff Member
Entities applying for federal financial assistance (like Medicaid reimbursement) must assure all health programs and activities comply with §1557.	<ol style="list-style-type: none">1. Carefully review the assurances form to ensure the health center can provide the necessary assurances.2. Correct any noncompliance before signing and submitting the form.		

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Optional Activities

Requirement	How To Do It	Date Completed	Staff Member
Entities may develop and implement a language access plan	HHS provides a sample language access plan .		
Conduct staff training on §1557 compliance	HHS OCR has prepared a Presenter's Guide and accompanying PowerPoint slides . These training materials were created to supplement covered entities' trainings on their internal policies and procedures that are now required under §1557.		

Notes