


|                        |   |  |                     |                  |
|------------------------|---|--|---------------------|------------------|
| <b>PLAN OPERATIONS</b> | <br>From DentaQuest |  |                     |                  |
|                        | <i>Policy and Procedure</i>   |  |                     |                  |
|                        | Policy Name:  | <b>Non-Discrimination Compliance Program</b>                         | Policy ID:          | <b>PLANCG-67</b> |
|                        | Approved By:  | Courtney Barnes Ransom, Head of Risk Management, Ethics & Compliance | Last Revision Date: | 09/05/2023       |
|                        | States:   | Oregon   | Last Review Date:   | 01/04/2024       |
| Application:           | Medicaid  | Effective Date:  | 01/04/2024          |                  |

## PURPOSE

This policy establishes a framework to ensure that complaints of discrimination related to the provision of and/or access to covered healthcare benefits and services are reported and investigated by Advantage Dental Services, LLC as a Dental Care Organization (DCO) in accordance with the requirements of all applicable federal and state civil rights laws and Section 1557 of the Affordable Care Act.

## POLICY

The DCO complies with applicable Federal civil rights laws and does not discriminate on the basis of race, color, national origin, age, disability, religion, sex, gender identity, health status, marital status, or sexual orientation. The DCO does not exclude people or treat them differently because of race, color, national origin, age, disability, religion, sex, gender identity, marital status, health status, need for healthcare services, or sexual orientation. The DCO takes seriously any complaints or allegation that an individual(s) has been discriminated against in the attempt to receive healthcare benefits on the basis of race, color, national origin, age, disability, religion, sex, gender identity, marital status, sexual orientation, or any other classification protected by federal and state civil rights laws.

To ensure that allegations or complaints of discrimination receive prompt attention, The DCO has established a procedure to review and resolve discrimination complaints in a timely manner and in accordance with applicable federal and state civil rights laws and regulations, The DCO policies and procedures and client contract requirements.

**Retaliation:** In accordance with the applicable federal and state civil rights laws, no The DCO employee, or other contractor or other person intimidates, threatens, coerces, or discriminates against any individual for the purpose of interfering with any right or privilege secured under those federal and state regulations, or because such person has made a Complaint, testified, assisted, or participated in any manner in an investigation, proceeding or hearing under this part.

**Confidentiality of Information:** The identity of Complainants is kept confidential except to the extent necessary to carry out the purposes of Complaint investigation, including the conduct of any investigation, hearing or judicial proceeding arising there under in accordance with the applicable federal and state civil rights laws.

## REFERENCES

- 42 CFR §438.100
- 42 CFR §422.112(a)8
- Civil Rights Act of 1964, Title VI (42 U.S.C §§2000d - 2000d-7; 45 CFR §80.1 et seq.)
- Age Discrimination Act of 1975 (42 U.S.C. §§6101-6107; 45 CFR §91.1 et seq.)
- Rehabilitation Act of 1973, Section 504 (29 U.S.C. §701 et seq.)
- Title IX, Education Amendments of 1972 (20 U.S.C. §1681-1688)
- Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.)
- Patient Protection and Affordable Care Act, Section 1557 (42 U.S.C. §18116)

## DEFINITIONS

- **Complainant** means a Member, Member's Authorized Representative, the parent or legal guardian of a member who is a minor child or not legally independent, or a Provider.
- **Civil Rights Coordinator** means the person designated by The DCO to receive and process complaints or allegations of discrimination.
- **Impacted Party** means the individual who suffered the alleged act of discrimination.

## PROCEDURE

### I. Filing a Discrimination Complaint

- A. Filing a Complaint. A Complainant may file a complaint with the DCO Civil Rights Coordinator.

Advantage Dental

63140 Britta St. Suite D104 Bend, OR 97703

Phone: 866.654.3433, TTY 711 DCO

Civil Rights Coordinator: Ugonna Onyekwu

[www.advantagedentalservices.com](http://www.advantagedentalservices.com)

<https://advantagedentalservices.com/howtofileagrievance.html>

[compliance@advantagedental.com](mailto:compliance@advantagedental.com)

1. Complainants may receive assistance from The DCO with filing a discrimination complaint alleging that he/she may have been discriminated against on the basis of disability, age, race, color, religion, sex, national origin, or any other protected status.
2. Complainants may also directly file a complaint with the U.S. Department of Health and Human Services (HHS), Office of Civil Rights (OCR):
  - a. electronically through the Office for Civil Rights Complaint Portal, available at <https://ocrportal.hhs.gov/ocr/portal/lobby.jsf>;
  - b. by mail at:  
U.S. Department of Health and Human Services,  
Hubert H. Humphry Building  
200 Independence Avenue, SW, Room 509F,  
Washington, D.C. 20201; or
  - c. by phone: 1-800-368-1019; 800-537-7697 (TDD).

Complaint forms are available at <http://www.hhs.gov/ocr/office/file/index.html>.

Oregon Bureau of Labor and Industries Civil Rights Division

800 NE Oregon St. Suite 1045 Portland, Oregon 97232

Phone: 971.673.0764

[crdemail@boli.state.or.us](mailto:crdemail@boli.state.or.us)

OHA Office of Equity and Inclusion  
Attn: Civil Rights Manager  
421 SW Oak Street, Suite 750 Portland, OR 97204  
Phone: 844.882.7889; TTY 711  
[www.oregon.gov/OHA/OEI](http://www.oregon.gov/OHA/OEI)  
OHA.PublicCivilRights@state.or.us

3. The DCO will provide, at no cost, translation or alternative communication services to any Complainant who requires communication assistance to file a discrimination complaint due to a disability or limited English proficiency.
- B. Timely Filing.** A complaint must be filed within 180 calendar days of the date service or alleged discrimination. If a Complainant shows good cause, The DCO may extend the timeframe for filing a complaint.
1. Any non-timely complaint that is accepted due to good cause will be documented in the case file stating the reason the Reconsideration was accepted beyond the required filing timeline,
  2. Good cause includes, but is not limited to:
    - a. The Complainant or Impacted Party was seriously ill, which prevented a timely filing;
    - b. There was a death or serious illness in the Impacted Party's immediate family;
    - c. An accident caused important records to be destroyed;
    - d. Documentation was difficult to locate within the time limits; or
    - e. The Impacted Party or the Complainant lacked capacity to understand the time frame for filing a Complaint.
- C. Recording the Complaint.** The Civil Rights Coordinator will log a report of the information related to the complaint, including:
1. The identity of the party filing the complaint;
  2. The Complainant's relationship to The DCO;
  3. The alleged actor of the discriminatory treatment; the circumstances of the complaint; date complaint is filed; and The DCO's suggested resolution.
- D. Record Retention.** All discrimination complaints received by The DCO are logged by the Civil Rights Coordinator and records are maintained for ten (10) years.

## **II. Review and Determination**

- A. Initial Review.** The initial review of a complaint will determine whether the complaint should be investigated further; closed; or referred to the client.
1. The DCO's initial review, the complaint will be reviewed for the following:
    - a. Was the complaint filed in a timely manner; or is there sufficient reason for waiving the timely filing requirement?
    - b. Is the Complainant's issue within The DCO's legal, contractual, and/or authority to review?
    - c. Is it a civil rights claim that involves a quality of care issue?
  2. Valid, timely-filed complaints will be referred, within five business days of receipt of the complaint, to Complaints and Grievances (C&G) for investigation and resolution
- B. Investigation.** C&G will investigate the complaint for validity in accordance with its policies and procedures.
1. If C&G determines that the complaint is invalid, they will notify the Complainant of that determination in writing. C&G will notify the entity named in the complaint of that determination.
    - a. The notice will identify how the allegation is classified by The DCO, provide information regarding how it will be handled, or if it is a matter to be addressed

- by another State agency advise the Complainant of that fact.
- b. The notice will also inform the Complainant that if they are not satisfied with the determination that they have the right to seek a resolution at a different level. The contact information for agencies that may be contacted will be provided in the notice.
2. If C&G determines the complaint to be valid, C&G will implement a Corrective Action Plan (CAP) against the party who committed the act of discrimination. C&G or the Civil Rights Coordinator will send a letter to the Complainant notifying them that a CAP has been implemented and his/her complaint is considered resolved.
  3. The Civil Rights Coordinator is to record the determination, basis for determination and suggested resolution. At a minimum, the Civil Rights Coordinator is to record the identity of the party filing the complaint; the Complainant's relationship to The DCO; the circumstances of the complaint; statement of the respondent; date complaint was filed; and suggested resolution, when a complaint is valid.
  4. As needed or required, the impacted client will be informed of the complaint and will be provided a copy of The DCO's resolution report from the investigation to review and determine any additional appropriate resolutions for the complaint (i.e., a corrective action plan "CAP"). The DCO reserves the right to issue a final resolution for all complaints concerning alleged acts of discrimination received by The DCO.

### **III. Implementation of Corrective Action Plans to Resolve Discrimination Complaints.**

- A. **Corrective Action Plan** Where an investigation finds that discrimination occurred, C&G will develop a corrective action plan and the complaint involves,
  1. *Employees.* Where the Complaint involves a The DCO employee, volunteer, or contract employee, the Civil Rights Coordinator will refer the investigation findings and corrective action plan to The DCO's Human Resources Department.
  2. *Providers.* Where the Complaint involves a The DCO provider or provider's employees, the Civil Rights Coordinator will refer the investigation findings and corrective action plan to the Credentialing Department and the applicable Provider Engagement Representative for communication and implementation.
  3. *Vendors/Subcontractors/Downstream Entities.* Where the Complaint involves a The DCO vendor, subcontractor, Downstream Entity or employees, the Civil Rights Coordinator will refer the investigation findings and corrective action plan to Vendor Management for communication and implementation
- B. **Complaint Resolution.** The DCO, in its sole discretion, shall determine when a satisfactory discrimination complaint resolution has been reached.
- C. **Implementation Timeline.** Time periods for the implementation of the corrective action plan nondiscrimination training shall be designated by C&G.
- D. **Training Approval.** A discrimination complaint resolution CAP may consist of approved nondiscrimination training on relevant discrimination topics. Prior to use, the nondiscrimination training material shall be reviewed and approved by the Human Resources department.

#### ***Revision History***

| Date:      | Description  |
|------------|--|
| 2/27/2018  | Conversion to revised policy and procedure format and naming convention.         |
| 7/25/2016  | Original policy 1200.023 Civil Rights Complaints & Grievances Procedure drafted. |
| 11/12/2018 | Corporate Compliance Committee approval  |

|            |   |
|------------|---|
| 8/20/2019  | Citation updates                        |
| 8/27/2019  | Executive approval                      |
| 5/29/2020  | ADS Compliance Committee approval       |
| 10/5/2021  | Updates based on annual review          |
| 06/21/2022 | Updates based on Partner Audit Findings |
| 01/04/2024 | Updates based on Annual Review          |