

# **NON-DISCRIMINATION POLICY**

## **POLICY:**

This policy was developed to comply with Federal non-discrimination regulations and shall be applied in accordance with the De La Vega Pediatrics Corp. (DLVP) policies and standards, as referenced below.

DLVP is committed to ensuring that its facility, programs and activities are accessible to all individuals, including individuals with disabilities. In turn, DLVP provides this policy to foster a health care environment that is free from unlawful harassment and discrimination in accordance with federal, state and local law and one where patients are treated with equality, in a welcoming and respectful manner.

DLVP will provide equal access to health care services to all patients. DLVP prohibits discrimination against its patients on the basis of race, color, religion, sex (including pregnancy), sexual orientation, gender identity, genetic information, national origin, age, disability, marital status, familial status or other protected classification. DLVP also prohibits retaliation against any individual who files a complaint, or participates in the investigation of a complaint, filed under one or more of the aforementioned prohibitions.

This policy applies to all classifications of staff, student workers, and other paid or non-paid classifications of workers that perform work for DLVP and interact with patients.

## **DEFINITIONS:**

1. "Discrimination or to discriminate" shall mean to treat someone differently or less favorably based on one or more of the following protected classifications: race, color, religion, sex (including pregnancy and sexual harassment), sexual orientation, gender identity, genetic information, national origin, age, disability, marital status, familial status or other protected classification.
2. "Disability" shall mean a physical or mental impairment that substantially limits one or more of the major life activities of an individual. Included in the definition are individuals who have a record of such an impairment, or are regarded as having such an impairment.

3. "Harassment" shall mean unwelcomed conduct (whether verbal or physical) that is based on race, color, religion, sex (including pregnancy and sexual harassment), sexual orientation, gender identity, genetic information, national origin, age, disability, marital status, familial status or other protected classification and creates an environment that would be intimidating, hostile or offensive to a reasonable person. Such harassing behavior may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults, offensive objects or pictures, and any other conduct or behavior that interferes with services provided in the health care environment.
4. "Retaliation" shall mean any adverse action taken against an individual for making a good faith complaint of employment discrimination or participating in any investigation or proceeding concerning a complaint of employment discrimination. Retaliation includes threatening, intimidating, harassing or any other conduct that would discourage a reasonable person from engaging in activity protected under this policy.

## **GUIDELINES:**

### **RESPONSIBILITY**

DLVP is committed to the enforcement of this policy and each DLVP employee is individually responsible for compliance with these guidelines. Administration and their designees are responsible for ensuring compliance for the facility.

### **DLVP'S ADMINISTRATION AND COMPLAINT PROCEDURES**

Administration is responsible for ensuring that patients have access to the services they need. In addition, it is responsible for the intake and investigation of patients' complaints and coordinating with the appropriate DLVP's staff to resolve the matter. If patient or visitor believes that DLVP has failed to provide services in accordance with this policy, they may file a complaint with the DLVP's Administration.

### **COMMUNICATION AND TRAINING**

1. Training: Individuals who perform work for DLVP and who interact with patients shall be provided training regarding the Patient Non-Discrimination policy during new worker orientation and through recurring (i.e., annual/biennial) training thereafter.

2. Communication to Patients: The policy shall be made available on DLVP's website to all patients and information about the policy posted in waiting areas, and entrances where health care services are provided.
3. Communication Considerations: DLVP provides effective alternate means of communicating patient rights and responsibilities to patients/guardians/families in a manner appropriate to their age, understanding, ability, and language preference, having rights/responsibilities read to them, or provided through a language or American Sign Language interpreter service at no cost to the patient. Additional auxiliary aids for the hearing impaired (i.e., Text Telephone ("TTY")/Telecommunication Device for the Hearing Impaired ("TDD"), written materials, telephone handset amplifiers, assistive listening devices, television closed captioning, and writing tablets, are also made available.
4. Making the Facility and Programs Accessible for Persons with Disabilities: DLVP shall inform patients of the availability of, and make reasonable accommodations for patients in accordance with, federal, state and local laws.

## **VIOLATIONS**

Individuals with DLVP who are determined to have violated this policy shall be subject to disciplinary action up to and including separation from DLVP.

Violations include, but are not limited to: engaging in discriminatory or retaliatory conduct towards any individual covered under this policy; intentionally engaging in factual misrepresentations during the pendency of an investigation; failing to cooperate in an investigate when called as a witness or respondent; promoting or enabling discriminatory or retaliatory conduct by others towards a patient or other individual covered under this policy.

## **POLICY INTERPRETATION; COMPLIANCE WITH NONDISCRIMINATION LAWS AND RELATED REGULATIONS; AMENDMENT**

This policy and the guidelines described herein above shall be interpreted in a manner consistent with federal, state and local non-discrimination laws, other guidance and/or administrative regulations issued by the Office for Civil Rights, and other appropriate governmental agencies, and any interpretative case law. Amendments to this policy warranted by changes in the law may occur from time to time. In such cases, individuals shall be advised of any substantive and material amendments to this policy.

Individuals who are not satisfied with an internal resolution of their complaint may file a civil rights complaint with the U.S. Department of Health and Human

Services, Office for Civil Rights, at <https://www.hhs.gov/civil-rights/filing-a-complaint/complaint-process/index.html>

## REFERENCES

### Federal Regulations:

1. [Age Discrimination Act of 1975 \("Age Act"\)](#)
2. [Americans with Disabilities Act of 1990, as amended \("ADA"\)](#)
3. [Section 504 of the Rehabilitation Act of 1973](#)
4. [Section 1557 of the Affordable Care Act \(ACA\)](#)
5. [Title VI of the Civil Rights Act of 1964](#)

## POLICY INQUIRIES

Accommodation requests, complaints, or questions regarding the Patient Non-Discrimination policy should be directed to the Administration as follows:

Contact Person/Civil Rights Coordinator: Tatiana De La Vega, RN.

Telephone Number: [239-277-5877](tel:239-277-5877)

Email: [delavegapediatrics@gmail.com](mailto:delavegapediatrics@gmail.com)

TTY/TDD or State Relay Number: [800-676-3777](tel:800-676-3777)