

<b>Cibola General Hospital</b> <b>1016 E. Roosevelt Ave.</b> <b>Grants, NM 87020</b> <b>Phone: 505-287-4446 Fax: 505-287-5309</b>		<b>Policy # 911COM035</b>
<b>TITLE: Section 1557 Grievance Procedure:</b> <b>Nondiscrimination In Health Programs and Activies</b>		
<b>Policy First Effective Date:</b> <b>01/2018</b>	<b>Last Revision Date:</b> <b>09/29/2025</b>	<b>Last Review Date:</b> <b>09/29/2025; 09/2024;06/2022</b>

## **POLICY**

It is the policy of Cibola General Hospital Corporation (CGHC) not to discriminate based on race, color, national origin, sex (including pregnancy, sexual orientation, and gender identity), age, or disability. CGHC 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. Part 92.

## **SCOPE**

This procedure applies to patients, companions, visitors, and members of the public who interact with CGHC programs and activities. Workforce members may also use this process for patient-facing discrimination concerns; employee-only discrimination concerns are handled under HR policies.

## **DEFINITIONS**

- Complainant: The person alleging discrimination.
- Section 1557 Coordinator: The Compliance Officer or designee responsible for administering this procedure.
- LEP: Limited English proficiency.
- Auxiliary aids and services: Communication supports for individuals with disabilities (for example, qualified sign-language interpreters, captioning, large print, braille, assistive listening devices).

## **NON-RETALIATION**

CGHC prohibits retaliation against anyone who opposes discrimination, files a grievance, or participates in an investigation. Retaliation complaints may be filed under this procedure.

## **HOW TO FILE A GRIEVANCE**

- Deadline to File: Grievances must be submitted to the Section 1557 Coordinator within 60 days of the date the Complainant became aware of the alleged discriminatory action.
- Submission Methods: In person, by mail, by phone, or electronically (secure web form or email).
- Content: The grievance should include the Complainant's name and contact information, a description of the problem, the date(s), location(s), persons involved (if known), and the remedy requested. CGHC will assist individuals in completing a grievance upon request.

- Accessibility: Interpreter services and auxiliary aids will be provided at no cost for LEP individuals or individuals with disabilities.
- Representation: A Complainant may use a representative or advocate.

## **INVESTIGATION AND DECISION**

1. Intake & Acknowledgment: Within 5 business days of receipt, CGHC will acknowledge the grievance and confirm the investigator.
2. Investigation: The Section 1557 Coordinator (or designee) will conduct a thorough and impartial investigation, allowing the parties to submit evidence and identify witnesses. To the greatest extent possible and consistent with law, CGHC will maintain confidentiality and share information only with those who need to know.
3. Decision: Within 30 days after filing, the Section 1557 Coordinator will issue a written decision based on a preponderance of the evidence. The decision will include: findings, conclusions, any corrective actions, interim measures if needed, and notice of appeal rights. If additional time is required due to complexity or unavailability of key witnesses, CGHC will notify the Complainant in writing with an updated timeline (not to exceed an additional 30 days absent good cause).

## **APPEAL**

A Complainant may appeal the decision by writing to the Chief Executive Officer within 15 days of receiving the Coordinator's decision. The CEO will review the record, may request additional information, and will issue a written decision within 30 days. The CEO's decision is CGHC's final determination.

## **URGENT OR EXPEDITED REVIEW**

If a grievance involves an urgent health or safety risk, or immediate need for language or disability accommodation, the Coordinator will implement interim measures without delay and may expedite the review timeline.

## **OCR COMPLAINT OPTION**

- The availability and use of this grievance procedure does not prevent a person from pursuing other legal or administrative remedies, including filing a complaint with the U.S. Department of Health and Human Services, Office for Civil Rights (OCR).
- A complaint may be filed electronically through the OCR Complaint Portal at <https://ocrportal.hhs.gov/> or by mail at:  
 U.S. Department of Health & Human Services  
 Independence Ave SW Room 509F HHH Building  
 Washington, DC 20201.

Complaints to OCR generally must be filed within 180 days of the alleged discrimination.

## **RECORDS AND RETENTION**

The Section 1557 Coordinator will maintain grievance files, evidence, decisions, and correspondence for at least six (6) years from the date of the final decision. Aggregate trends will be reported to the Compliance Committee and Board per 911COM002.

## **POSTING AND NOTICE**

CGHC will post this grievance procedure together with the Notice of Nondiscrimination and the Notice of Availability of language assistance services in patient-facing areas and on the CGHC website.

## **RELATED POLICIES**

- 911COM039 – Section 1557 Nondiscrimination and Language Access Policy
- 911COM020 – Compliance Program Policy
- 911COM034 – Whistleblower Protection and Reporting Policy
- 911COM041 – HIPAA Privacy and Security Policy

## **REFERENCES**

- Section 1557 of the Affordable Care Act, 42 U.S.C. § 18116; 45 C.F.R. Part 92 (2024 Final Rule).
- OCR Guidance on Nondiscrimination in Health Programs and Activities.
- Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act.
- Title VI of the Civil Rights Act of 1964.