

**McLAREN HEALTH PLAN, INC.  
POLICY & PROCEDURE MANUAL**

**Initial Approval Date:** 07/13/16  
**Effective Date:** 07/13/16  
**Effective Revision Date:** 06/01/22  
**Review Cycle:** As Needed

**SCOPE**

McLaren Health Plan, Inc.

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**SUBJECT**

Nondiscrimination Grievance Process

**POLICY NUMBER**

2-49

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**SECTION**

Compliance

**AUTHORIZED BY**

Nancy Jenkins, President & CEO



Diab Rizk, Compliance Officer



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**POLICY STATEMENT**

In accordance with applicable law, it is the policy of McLaren Health Plan, Inc. (McLaren) not to discriminate on the basis of race, color, national origin, sex, age, gender identity, sexual orientation or disability. When required by law, McLaren will not discriminate on the basis of gender identity or sexual orientation. McLaren 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 CFR part 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 McLaren's Compliance Officer, at G-3245 Beecher Rd, Flint, MI 48532, (866) 866-2135, TTY 711, (810) 733-5788 (fax), [mhpcompliance@mclaren.org](mailto:mhpcompliance@mclaren.org), who has been designated to coordinate the efforts of McLaren 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, gender identity, sexual orientation, or disability or alleges that McLaren engaged in actions prohibited by Section 1557 may file a grievance under this procedure. It is against the law for McLaren to retaliate against anyone who opposes discrimination, files a grievance, or participates in the investigation of a grievance.

**PURPOSE**

To prohibit discrimination and to provide a grievance process for complaints related to discrimination arising out of Section 1557.

## **DEFINITIONS**

McLaren Health Plan, Inc. means McLaren Health Plan and all its subsidiaries (“McLaren”).

## **PROCEDURE**

### **1. General Non-Discrimination Requirements**

- McLaren’s workforce members are prohibited from unlawfully discriminating against members, and providers in accordance with applicable laws.
- McLaren’s workforce members are expected to promptly report any actual or suspected discrimination to their supervisor or the Compliance Officer.
- The Compliance Officer will investigate any allegations of discrimination and will recommend corrective action.
- Discrimination by workforce members may result in disciplinary action, up to and including termination.

### **2. Non-Discrimination Grievances**

- 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 her/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 McLaren 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 (Administrator/Chief Executive Officer/Board of Directors/etc.) within 15 days of receiving the Section 1557 Coordinator’s decision. The (Administrator/Chief Executive Officer/Board of Directors/etc.) 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, gender identity, sexual orientation, 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, D.C. 20201

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.

McLaren 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.

**REQUIREMENTS AND STANDARDS: Section 1557 of the ACA; 45 CFR 156.200(e)**

<b><u>REVIEWED DATE</u></b>	<b><u>REVISED DATE</u></b>	<b><u>EFFECTIVE DATE</u></b>
07/13/16		07/13/16
04/04/18	04/04/18	04/12/18
12/31/18		04/12/18
05/25/22	5/25/22	06/01/22