

Compliance with ACA Sec. 1557

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Your Practice May Be Subject to Providing Translation Services to Non-English Speaking Patients...

The *ADA News* (5/18/2016, 8/16/2016) has kept the membership informed of the U.S. Department of Health and Human Services' (HHS) final rule under Section 1557 of the Affordable Care Act to protect individuals from discrimination in health care on the basis of race, color, national origin, age, disability, and sex, including discrimination based on pregnancy, gender identity, and sex stereotyping. Section 1557 is enforced by the Office for Civil Rights (OCR), the federal agency that enforces HIPAA.

According to the ADA's report, your dental practice is covered by the Section 1557 final rule if you receive certain kinds of government funds, such as reimbursement under Medicaid, or CHIP, or "meaningful use" payments. In addition, the government has taken the position that final rule applies to a dental practice that receives reimbursement under Medicare Advantage (Medicare Part C), whether the plan reimburses the dentist or the patient.

The effective date of the final rule was July 18, 2016, except for certain notice provisions, which take effect on October 16, 2016. In addition to government enforcement, the Sec. 1557 final rule permits an individual or entity to bring a civil action to challenge a violation in a U.S. District Court. In July, the American Dental Association requested an extension of deadlines from the OCR, citing the "risks of further limiting patient access to care" and "the burdens that this rule would impose on small businesses." However, OCR's response stated that no exceptions would be made.

While Sec. 1557 does not apply to Medicare Part B, OCR did clarify that the final rule does apply to any provider who receives reimbursement for Medicare Part C, Medicare Advantage, regardless of whether the plan reimburses the dentist or the patient.

The final rule will require a covered dental practice to post two kinds of notices: (1) a notice of nondiscrimination, and (2) taglines in the top 15 non-English languages spoken in state indicating that language assistance services, free of charge, are available.

For dental practices that receive certain federal financial assistance from HHS, the Sec. 1557 final rule will require that they post notices of nondiscrimination as well as taglines in the top 15 non-English languages spoken in the state, indicating that free language assistance services are available. The notices must be posted in your dental office, on your website and in any significant publications and communications. For smaller items like postcards, brochures and appointment cards, your practice may use a shorter nondiscrimination statement and taglines in the Illinois' top two non-English languages spoken.

As a member benefit, the Illinois State Dental Society is preparing downloadable materials with taglines for member dental offices in the *Top 15 Non-English Languages in Illinois* along with a *Sample Notice Informing Individuals about Nondiscrimination and Accessibility Requirements*

and Sample Nondiscrimination Statement. The top 15 languages are Spanish, Paunawa, Polish, Russian, Chinese, Korean, Gujarati, Vietnamese, Urdu, Italian, Hindi, French, German, Greek and Arabic. The information will be available at *ISDS.org*, and will be announced by broadcast e-mail to the ISDS membership.

Log on to www.ADA.org and enter “1557” in the site search field for a message from ADA President Dr. Carol Summerhays, FAQs and a checklist. Sample materials are also available on the [HHS website](#).