

# Your Civil Rights to Health Care<sup>1</sup>

## Your Rights Under Title VI of the Civil Rights Act of 1964

### What Is Title VI?

Title VI of the Civil Rights Act of 1964 protects persons from discrimination based on their race, color, or national origin in programs and activities that receive Federal financial assistance. If you are eligible for Public Assistance, Medicaid, or other social services, you cannot be denied assistance because of your race, color, or national origin.

Some of the programs that may be covered by Title VI are:

- Extended care facilities
- Public assistance programs
- Nursing homes
- Adoption agencies
- Hospitals
- Day care centers
- Mental health centers
- Senior citizen centers
- Medicaid
- Family health centers and clinics
- Alcohol and drug treatment centers

### Prohibited Discriminatory Acts

There are many forms of illegal discrimination based on race, color, or national origin which frequently limit the opportunities of minorities to gain equal access to services. A recipient of Federal financial assistance may not, based on race, color, or national origin:

- Deny services, financial aid or other benefits provided as a part of health or social service programs;
- Provide a different service, financial aid or other benefit, or provide them in a different manner from those provided to others in the program;
- Segregate or separately treat individuals in any matter related to the receipt of any service, financial aid or other benefit.

Common discriminatory practices are identified in the DHHS Title VI regulation found at 45 C.F.R. Part 80.

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<sup>1</sup> Adapted from fact sheets and information produced by the U.S. Department of Health and Human Services, Office for Civil Rights, <http://ocr.hhs.gov/>.

# Your Rights Under Section 504 of the Rehabilitation Act

## What Is Section 504?

Section 504 of the Rehabilitation Act of 1973 is a national law that protects *qualified* individuals from discrimination based on their disability. The nondiscrimination requirements apply to organizations that receive financial assistance from any Federal department or agency, including the U.S. Department of Health and Human Services (DHHS). These organizations include many hospitals, nursing homes, mental health and social service programs, as well as other human service programs.

Section 504 forbids such organizations from excluding or denying individuals with disabilities an equal opportunity to receive program benefits and services. It defines the rights of individuals with disabilities to participate in and have access to program benefits and services.

## Who Is Protected from Discrimination?

Section 504 protects “*qualified individuals with disabilities.*” Under this law, “individuals with disabilities” are defined as persons with a physical or mental impairment which substantially limits one or more major life activities. People who have a history of, or who are regarded as having, a physical or mental impairment that substantially limits one or more major life activities are also covered. Major life activities include caring for oneself, walking, seeing, hearing, speaking, breathing, working, performing manual tasks, and learning. Some examples of impairments which may substantially limit major life activities, even with the help of medication or aids/devices, are: AIDS, alcoholism, blindness or visual impairment, cancer, deafness or hearing impairment, diabetes, drug addiction, heart disease, and mental illness.

In addition to meeting the above definition, to be qualified, the individual also must meet “normal and essential” eligibility requirements for purposes of receiving services.

## Prohibited Discriminatory Acts in Health Care Settings

Section 504 prohibitions against discrimination apply to service availability, accessibility, delivery, and the administrative activities and responsibilities of organizations receiving Federal financial assistance. A recipient of Federal financial assistance may not, on the basis of disability:

- X Deny qualified individuals the opportunity to participate in or benefit from federally funded programs, services, or other benefits.
  
- X Deny access to programs, services, benefits or opportunities to participate as a result of physical barriers.

These and other prohibitions against discrimination can be found in the DHHS Section 504 regulation at 45 C.F.R. Part 84.

# Your Rights Under The Community Service Assurance Provision of The Hill-Burton Act

## What Is Hill-Burton?

The Hill-Burton Act authorizes assistance to public and other nonprofit medical facilities such as acute care general hospitals, special hospitals, nursing homes, public health centers, and rehabilitation facilities.

The Community Service Assurance under Title VI of the Public Health Service Act requires all recipients of Hill-Burton funds to make services provided by the facility available to persons residing in the facility's service area without discrimination on the basis of race, color, national origin, creed, or any other ground unrelated to the individual's need for the service or the availability of the needed service in the facility. These requirements also apply to persons employed in the service area of the facility if it was funded under Title XVI of the Public Health Service Act. Please note that the community service obligation is different from the uncompensated care provision. The community service obligation does not require the facility to make non-emergency services available to persons unable to pay for them. It does, however, require the facility to make emergency services available without regard to the person's ability to pay.

There are several basic requirements that every Hill-Burton hospital or other facility must comply with to fulfill the community service obligation.

**T** A person residing in the Hill-Burton facility's service area has the right to medical treatment at the facility without regard to race, color, national origin or creed.

**T** A Hill-Burton facility may not deny emergency services to any person residing in the facility's service area on the grounds that the person is unable to pay for those services.

**T** Hill-Burton facilities must participate in the Medicare and Medicaid programs unless they are ineligible to participate.

**T** Hill-Burton facilities must make arrangements for reimbursement for services with principal State and local third-party payors that provide reimbursement that is not less than the actual cost of the services.

**T** A Hill-Burton facility may not adopt patient admissions policies that have the effect of excluding persons on grounds of race, color, national origin, creed or any other ground unrelated to the patient's need for the service or the availability of the needed service.

**T** A Hill-Burton facility must post notices informing the public of its community service obligations in English and Spanish. If 10 percent or more of the households in the service area usually speak a language other than English or Spanish, the facility must translate the notice into that language and post it as well.

## How to File a Complaint with the Office for Civil Rights

If you believe that you have been discriminated against on the basis of disability, race, color, or national origin by an entity receiving Federal financial assistance from the DHHS, you may file a complaint with the Office for Civil Rights (OCR) within 180 days from the date of the alleged discriminatory act. OCR may extend the 180-day period if you can show “good cause.”

OCR also is responsible for investigating complaints alleging that Hill-Burton facilities have not complied with community service requirements. If you believe that you have been subjected to a prohibited act or denied any rights available under law, you should notify the Office for Civil Rights.

In your complaint, include the following information:

**T** Your name, address, and telephone number. You must sign your name. (If you are filing a complaint on someone’s behalf, include your name, address, telephone number, and statement of your relationship to the individual, e.g., spouse, attorney, friend).

**T** Name and address of the institution or agency you believe discriminated against you.

**T** How, why, and when you believe you were discriminated against.

**T** Any other relevant information.

You can send your complaint to the appropriate OCR Regional Office (listed at the end of this document) or to the Washington, D.C. headquarters:

Director  
Office for Civil Rights  
U.S. Department of Health and Human Services  
Room 509 F HHH Building  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

Upon receipt of your complaint, OCR will review it. If your complaint raises covered issues, an investigation will be initiated. If discrimination is found, OCR will negotiate with the institution or agency to voluntarily correct the discrimination. If negotiations are unsuccessful, enforcement proceedings may be instituted to suspend Federal funding. You may also have the right to consult a private attorney and seek relief through the filing of a private lawsuit.

Section 504 of the Rehabilitation Act and Title VI of the Civil Rights Act prohibit the alleged discriminating party from taking retaliatory action. You should notify OCR immediately in the event of any retaliatory action.

If you require a quick answer regarding a civil rights problem, call OCR at: 1-800-368-1019 (Voice) or 1-800-537-7697 (TTY).

## Regional Addresses

### Region I - CT, ME, MA, NH, RI, VT

Department of Health & Human Services  
Office for Civil Rights/Gov't. Ctr.  
JFK Federal Building - Room 1875  
Boston, MA 02203  
(617) 565-1340 phone  
(617) 565-3809 fax

### Region II - NJ, NY, PR, VI

Department of Health & Human Services  
Office for Civil Rights  
26 Federal Plaza - Suite 3312  
New York, NY 10278  
(212) 264-3313 phone  
(212) 264-3039 fax

### Region III - DE, DC, MD, PA, VA, WV

Department of Health & Human Services  
Office for Civil Rights  
150 S. Independence Mall West - Suite 372  
Philadelphia, PA 19106  
(215) 861-4441 phone  
(215) 861-4431 fax

### Region IV - AL, FL, GA, KY, MS, NC, SC, TN

Department of Health & Human Services  
Office for Civil Rights  
61 Forsyth Street, S.W. - Suite 3B70  
Atlanta, GA 30323  
(404) 562-7886 phone  
(404) 562-7881 fax

### Region V - IL, IN, MI, MN, OH, WI

Department of Health & Human Services  
Office for Civil Rights  
233 N. Michigan  
Chicago, IL 60610  
(312) 886-2359 phone  
(312) 886-1807 fax

### Region VI - AR, LA, NM, OK, TX

Department of Health & Human Services  
Office for Civil Rights  
1301 Young Street  
Dallas, TX 75202  
(214) 767-4056 phone  
(214) 767-0432 fax

### Region VII - IA, KS, MO, NB

Department of Health & Human Services  
Office for Civil Rights  
601 East 12<sup>th</sup> Street - Room 248  
Kansas City, MO 80294  
(816) 426-7278 phone  
(816) 426-3686 fax

### Region VIII - CO, MT, ND, SD, UT, WY

Department of Health & Human Services  
Office for Civil Rights  
1961 Stout Street - Room 1426  
Denver, CO 80294  
(303) 844-2024 phone  
(303) 844-6665 fax

### Region IX - AZ, CA, HI, NV, GU PS, AS

Department of Health & Human Services  
Office for Civil Rights  
50 United Nations Plaza  
San Francisco, CA 94103  
(415) 437-8310 phone  
(415) 437-8329 fax

### Region X - AK, ID, OR, WA

Department of Health & Human Services  
Office for Civil Rights  
2201 Sixth Avenue - Suite 900  
Seattle, WA 98121  
(206) 615-2287 phone  
(206) 615-2297 fax