Administrative Policies and Procedures **117 – DISCRIMINATION COMPLAINTS**

Table of Contents

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| --- |
| Purpose |
| Policy |
| Procedure |
| Responsibility |
| Authority |
| Revisions |
|  |

**Purpose**

To establish the procedures by which any person who believes that she or he has been excluded from participation in, subjected to discrimination in, or denied the benefits of, the AHCCCS program on the grounds of race, color, national origin, disability, age, or sex may file a complaint, and to establish the procedures for the investigation and resolution of those complaints.

This policy does not apply to complaints by members of the AHCCCS Administration workforce regarding discrimination in employment at the AHCCCS Administration. For employment related complaints, refer to Chapter 800 of the Administrative Policies and Procedures.

**Policy**

1. It is the policy of the AHCCCS Administration that no person shall, on the basis of race, color, national origin, disability, age, or sex, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination in the administration of the AHCCCS program.
2. The AHCCCS Administration has adopted this complaint procedure for prompt and equitable resolution of complaints regarding the administration of the program that allege any discriminatory action prohibited by law. Any person who believes that she or he has been subjected to discrimination in the administration of the AHCCCS Program, excluded from participation in the AHCCCS Program, or denied the benefits of the AHCCCS Program on the basis of race, color, national origin, disability, age, or sex may file a complaint under this procedure.
3. The availability and use of this complaint procedure does not prevent a person from filing a complaint of discrimination with the U.S. Department of Health and Human Services, Office for Civil Rights at:

Office for Civil Rights

U.S. Department of Health and Human Services

200 Independence Avenue, S.W.

Room 509F, HHH Building

Washington, D.C. 20201

Voice Phone (202) 368-1019

FAX (202) 619-3818

TDD (800) 537-7697

Website:  [www.hhs.gov/OCR](http://www.hhs.gov/OCR)

**Procedure**

1. Complaints must be submitted to the General Counsel within the AHCCCS Office of Administrative Legal Services within 180 days of the date the person filing the complaint becomes aware of the alleged discriminatory action.
2. 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.
3. General Counsel will assign the complaint to an attorney and/or investigator within the Office of Administrative Legal Services (the “Assigned Staff”) who shall conduct an investigation of the complaint. This investigation may be informal, but it must be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint.
4. The Assigned Staff will issue a written decision on the complaint no later than 30 days after its filing unless good cause exists for extending the 30 day timeframe. The time for the Assigned Staff to provide a written decision may also be extended with the permission of the person filing the complaint.
5. The person filing the complaint may appeal the decision of the Assigned Staff by writing to the General Counsel of the AHCCCS Office of Administrative Legal Services within 15 days of mailing of the Assigned Staff’s decision. The General Counsel shall issue a written decision in response to the appeal no later than 30 days after its filing.

**Responsibility**

1. The AHCCCS Office of Administrative Legal Services will make appropriate arrangements to ensure that persons with disabilities are provided accommodations, if needed, to participate in the complaint process. Such arrangements may include, but are not limited to, providing interpreters for the deaf, providing audio recordings of material for the blind, or assuring a barrier-free location for any proceedings. The AHCCCS Office of Administrative Legal Services will also make available written translation and oral interpretation services for persons with Limited English Proficiency consistent with “Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons.”
2. The AHCCCS Office of Administrative Legal Services will maintain the files and records of the AHCCCS Administration relating to such grievances.
3. The AHCCCS Office of Administrative Legal Services is responsible for maintaining this policy.

**Authority**

Title VI of the Civil Rights Act of 1964: 42 USC 2000d and 45 CFR Part 80

The Rehabilitation Act of 1973: 29 USC 794 and 45 CFR 84

The Age Discrimination Act of 1975: 42 USC 6102 and 45 CFR Part 91

The Americans with Disabilities Act: 42 USC 12132 and 28 CFR Part 35

The Affordable Care Act: 42 USC 18116

**REVISION HISTORY**

This revision history is updated each time this document is updated. The history identifies the date the version was completed and approved, the author of the changes and a brief description of the changes.

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| **Date** | **Author** | **Description** |
|  | Matt Devlin | Policy established |
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