

Administrative Policies and Procedures

117 - Discrimination Complaints

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PURPOSE

To inform individuals of the AHCCCS Administration Notice of Nondiscrimination, 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. These complaints about discrimination are also called grievances.

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

- I. 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.
- II. 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.
- III. If you need these services, contact the General Counsel within the AHCCCS Administration, Office of the General Counsel. Telephone: (602) 417 4232. For in-State calls from all area codes except for 602, 623, or 480, please call 1-800-654-8713 extension 602-417-4232 For hearing impaired (TTY), call 1-800-367-8939 Address: AHCCCS Administration MD 6200, 801 E. Jefferson, Phoenix, AZ 85034 Fax: 602 253 9115.

- IV. The AHCCCS Administration provides free aids and services to people with disabilities to communicate effectively such as: qualified sign language interpreters and written information in other formats (large print, audio, accessible electronic formats, other formats) The AHCCCS Administration also provides free language services to people whose primary language is not English, such as qualified interpreters and information written in other languages.
- V. 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

PROCEDURE

- I. If a person believes that AHCCCS did not provide the services above or that AHCCCS discriminated on the basis of race, color, national origin, age, disability, or sex, the individual may file a complaint (also called a grievance) in person, by mail, by fax, or by email. Complaints must be submitted to the General Counsel within the AHCCCS Office of the General Counsel within 180 days of the date the person filing the complaint becomes aware of what is believed to be discrimination.
- II. A complaint must be in writing, containing the name and address of the person filing it. The complaint must state the problem or action believed to be discriminatory and the remedy or relief sought. Complaints are to be submitted to the following: By Mail: General Counsel, AHCCCS Administration, Office of the General Counsel , MD 6200, 801 E. Jefferson, Phoenix, AZ 85034 Fax: 602 253 9115
Email:EqualAccess@azahcccs.gov
- III. General Counsel will assign the complaint to an attorney and/or investigator within the Office of the General Counsel (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.
- IV. 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.
- V. The person filing the complaint may appeal the decision of the Assigned Staff by writing to the General Counsel of the AHCCCS Office of the General Counsel 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

- I. The AHCCCS Office of the General Counsel 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 barrierfree location for any proceedings. The AHCCCS

Office of the General Counsel will also make available written translation and oral interpretation services for persons with Limited English Proficiency consistent with 45 CFR Part 92 and “Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons.””

II. The AHCCCS Office of the General Counsel will maintain the files and records of the AHCCCS Administration relating to such grievances.

III. The AHCCCS Office of the General Counsel 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

Nondiscrimination in Health Programs and Activities: 45 CFR Part 92; 81 FR 31375

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.

Date	Author	Description
12/01/2015	Matt Devlin	Policy established
10/04/2016	OALS	Revisions to include Language from Nondiscrimination Notice Requirements in 45 CFR 92.8
09/12/2022	Vickie Asato, OGC	Changed OALS to OGC and 701 E Jefferson to 801 E Jefferson