

Section 1557 Nondiscrimination Regulations – 2024 Rule (full text of regulations [here](#))

Summary of Requirements and Compliance Deadlines

	Requirement:	By When:	BBS Comments:
1.	<p><b>Analyze the specific nondiscrimination requirements under the 2024 Rule</b> to ensure operational compliance, particularly the expanded protections related to auxiliary aids and services, language assistance, and the use of patient care decision support tools, including clinical algorithms and artificial intelligence.</p>	<p>Ongoing; Provisions related to use of patient care decision support tools are due by May 5, 2025; For Medicare Part B recipients that are newly required to comply, the deadline is July 5, 2025.</p>	<p><i>Note: This chart is only a summary and does not discuss the 2024 Rule’s provisions on accessibility for buildings and facilities, nondiscrimination in health insurance coverage, and other health-related coverage.</i></p>
2.	<p><b>Designate a Section 1557 Coordinator</b> who will be responsible for carrying out the requirements under Section 1557, including the investigation of any grievances.</p>	<p>November 2, 2024</p>	<p>Section 1557 Coordinator is required for covered entities that employ 15 or more people.</p>
3.	<p><b>Post and Provide Notice of Nondiscrimination:</b></p> <ul style="list-style-type: none"> <li>• Must contain/state— <ul style="list-style-type: none"> <li>○ Covered entity does not discriminate based on any of the protected classes.</li> <li>○ Offer specific information regarding reasonable modifications for individuals with disabilities and appropriate auxiliary aids and services.</li> <li>○ Offer specific information regarding language assistance services.</li> <li>○ How to file a grievance or complaint.</li> </ul> </li> <li>• <b>Department of Health and Human Services (HHS) provides a <a href="#">sample notice</a> to tailor for use.</b></li> <li>• <i>Who</i> must it be provided to: <ul style="list-style-type: none"> <li>○ Participants, beneficiaries, enrollees, and applicants of its health programs and activities, and members of the public.</li> </ul> </li> <li>• <i>When</i> must it be provided: <ul style="list-style-type: none"> <li>○ On an annual basis to participants, beneficiaries, enrollees, and applicants.</li> <li>○ Upon request.</li> </ul> </li> </ul>	<p>November 2, 2024</p>	<p>The Notice of Nondiscrimination is different, and separate from, the Nondiscrimination Policy described in #4 below.</p> <p>When providing the Notice of Nondiscrimination, you must also provide the Notice of Availability of Language Assistance Services and Auxiliary Aids and Services (Notice of Availability) described in #4 below.</p>

	<ul style="list-style-type: none"> <li>• <i>Where</i> must it be posted:             <ul style="list-style-type: none"> <li>○ At a conspicuous location on the covered entity’s health program or activity website, if it has one.</li> <li>○ In clear and prominent physical locations, in no smaller than 20-point sans serif font (e.g., Arial or Calibri), where it is reasonable to expect individuals seeking service to be able to read or hear the notice.</li> </ul> </li> </ul>		
<p>4.</p>	<p><b>Adopt and Implement Written Policies and Procedures</b> (these procedures can be combined into one document):</p> <p>HHS provides <a href="#">sample policies</a> and procedures to tailor for use</p> <ul style="list-style-type: none"> <li>• <b>Nondiscrimination Policy</b> <ul style="list-style-type: none"> <li>○ Must, at minimum, state that the covered entity does not discriminate on the basis of a protected class; that the covered entity provides language assistance services and appropriate auxiliary aids and services free of charge, when necessary for compliance; that the covered entity will provide reasonable modifications for individuals with disabilities; and provides the current contact information for the Section 1557 Coordinator (if applicable).</li> </ul> </li> <li>• <b>Grievance Procedures</b> <ul style="list-style-type: none"> <li>○ A covered entity that employs 15 or more people must implement written grievance procedures that provide for the <u>prompt and equitable resolution</u> of grievances alleging any action that would be prohibited by Section 1557.</li> </ul> </li> <li>• <b>Language Access Procedures</b> <ul style="list-style-type: none"> <li>○ Must describe the covered entity’s process for providing language assistance services to individuals with limited English proficiency (LEP).</li> <li>○ At a minimum, must include current contact information for the Section 1557 Coordinator (if applicable); how an employee identifies whether an individual has LEP; how an employee obtains the services of qualified interpreters and translators the covered entity uses to communicate with an individual with LEP;</li> </ul> </li> </ul>	<p>July 5, 2025</p>	<p>These policies and procedures must include an effective date and be reasonably designed, taking into account the <u>size</u>, <u>complexity</u>, and the <u>type</u> of health programs or activities undertaken by a covered entity.</p>

	<p>the names of any qualified bilingual staff members; and a list of any electronic and written translated materials the covered entity has, the languages they are translated into, date of issuance, and how to access electronic translations.</p> <ul style="list-style-type: none"> <li>• <b>Effective Communication Procedures</b> <ul style="list-style-type: none"> <li>○ Must describe the covered entity’s process for ensuring effective communication for individuals with disabilities.</li> <li>○ At a minimum, must include current contact information for the Section 1557 Coordinator (if applicable); how an employee obtains the services of qualified interpreters the covered entity uses to communicate with individuals with disabilities, including the names of any qualified interpreter staff members; and how to access appropriate auxiliary aids and services.</li> </ul> </li> <li>• <b>Reasonable Modification Procedures</b> <ul style="list-style-type: none"> <li>○ Must describe the covered entity’s process for making reasonable modifications to its policies, practices, or procedures when necessary to avoid discrimination on the basis of disability.</li> <li>○ At a minimum, must include current contact information for the covered entity’s Section 1557 Coordinator (if applicable); a description of the covered entity’s process for responding to requests from individuals with disabilities for changes, exceptions, or adjustments to a rule, policy, practice, or service of the covered entity; and a process for determining whether making the modification would <u>fundamentally alter the nature of the health program or activity</u>, including identifying an alternative modification that does not result in a fundamental alteration to ensure the individual with a disability receives the benefits or services in question.</li> </ul> </li> </ul>		
<p>5.</p>	<p><b>Post and Provide Notice of Availability of Language Assistance Services and Auxiliary Aids and Services</b> (Notice of Availability)</p> <ul style="list-style-type: none"> <li>• Notice of Availability must— <ul style="list-style-type: none"> <li>○ Inform the reader that the covered entity provides language assistance services and appropriate auxiliary aids and services free of charge, when necessary.</li> </ul> </li> </ul>	<p>July 5, 2025</p>	<p>The preamble to the 2024 Rule suggests that covered entities <u>operating in more than one state</u> should aggregate the populations with LEP across all those states to</p>

	<ul style="list-style-type: none"> <li>○ Be provided in English and translated into the <u>top 15 languages</u> most commonly spoken by individuals with LEP of the relevant state(s) in which a covered entity operates.</li> <li>● <b>HHS provides a <u>sample notice</u> to tailor for use</b></li> <li>● <i>Who</i> must it be provided to:             <ul style="list-style-type: none"> <li>○ Participants, beneficiaries, enrollees, and applicants of its health programs and activities.</li> </ul> </li> <li>● <i>When</i> must it be provided:             <ul style="list-style-type: none"> <li>○ On an annual basis to participants, beneficiaries, enrollees, and applicants.</li> <li>○ Upon request.</li> <li>○ With certain <u>critical healthcare documents</u> (e.g., Notice of Nondiscrimination, Notice of Privacy Practices, application and intake forms).</li> </ul> </li> <li>● <i>Where</i> must it be posted:             <ul style="list-style-type: none"> <li>○ At a conspicuous location on the covered entity’s health program or activity website, if it has one.</li> <li>○ In clear and prominent physical locations, in no smaller than 20-point sans serif font (e.g., Arial or Calibri), where it is reasonable to expect individuals seeking service to be able to read or hear the notice.</li> <li>○ With certain critical healthcare documents (e.g., Notice of Nondiscrimination, Notice of Privacy Practices, application and intake forms).</li> </ul> </li> </ul>		<p>determine the top 15 languages in their service area.</p> <p>HHS’ Office of Civil Rights has provided translations of the model Notice of Availability in the top 15 languages in each state <a href="#">here</a>.</p>
<p>6.</p>	<p><b>Train “relevant” employees on Section 1557 policies and procedures</b></p> <ul style="list-style-type: none"> <li>● Must train relevant employees “as necessary and appropriate” to carry out their functions consistent with the requirements under Section 1557.             <ul style="list-style-type: none"> <li>○ “Relevant” employees include: permanent and temporary employees whose roles and responsibilities entail: interacting with patients and members of the public; making decisions that directly or indirectly affect patients’ healthcare, including covered entity’s executive leadership team and legal counsel; and performing tasks and making decisions that directly or indirectly affect patients’ financial obligations, including billing and collections.</li> </ul> </li> </ul>	<p>30 days following implementation of the written policies and procedures in #4, and no later than May 1, 2025.</p>	<p>The 2024 Rule is silent as to training format and length.</p> <p>Training must be given to each relevant employee within a reasonable period of time after the employee joins the covered entity’s workforce.</p>