

Affordable Care Act 1557 Regulations: Non-Discrimination and Limited English Proficiency Requirements

Dentists who:

- treat patients through the Medicaid and/or state Children's Health Insurance Program (CHIP),
- receive federal incentive payments for electronic health records requiring “meaningful use,” and/or
- treat patients who receive dental benefits from a Medicare Advantage Plan (Part C)

are subject to federal non-discrimination and limited English proficiency (LEP) regulations: These regulations went into effect on July 18, 2016. They were issued by the Department of Health and Human Services (HHS) Office for Civil Rights (OCR). The regulations implement Section 1557 of the Affordable Care Act (ACA).

Discrimination based on race, color, national origin, age, disability and limited English language proficiency by health care providers is barred by existing federal and state laws. Covered dental offices must comply with specific requirements relating to access for patients with limited English proficiency (LEP) and disabilities, including:

- qualified interpreters and translators
- accessible technology
- establish grievance procedures and communication supports for people with disabilities.

1557 Regulations include requirements for posting “taglines” in the 15 non-English languages spoken most frequently in New York. Dental offices that are subject to the rule must post “notices of nondiscrimination” in the office, as well as on the practice website and all other significant communications and publications. These notices and taglines must be printed in the top 15 non-English languages spoken in the state. The top 15 non-English languages spoken in New York, in order of frequency, are:

Spanish, Chinese, Russian, French Creole, Korean, Italian, Yiddish, Bengali, Polish, Arabic, French, Urdu, Tagalog, Greek and Albanian.

Need help complying? The ADA has made a number of comprehensive resources available free of charge to ADA members to help them comply. The ADA has a set of Frequently Asked Questions (FAQs) to help dentists understand and implement the new requirements. The ADA also provides model forms that individual offices can adapt. These resources can be accessed on the ADA website at <http://success.ada.org/en/regulatory-legal/regulatory-campaign-articles/section-1557>. Additional information and materials are available on the OCR website, <https://www.hhs.gov/sites/default/files/section-1557-final-rule-faqs-7-28-2017.pdf>