

By July 18, 2016:

Determine whether you are covered under Section 1557:

- Dentists and dental practices that receive certain government payments; examples include accepting Medicaid or CHIP;
- Dentists and dental practices that receive “meaningful use” payments under the Medicare and Medicaid Electronic Health Records Incentive Program.

Accepting reimbursement under Medicare Part B, including Durable Medical Equipment or DME *that is payable under Part B*, does not make a dental practice covered under Section 1557.

If you are covered, refer to the table below, which provides information about the Section 1557 provisions most likely to affect covered dental practices. The table has spaces for you to assign a task to a staff member, and for you to enter the date the task is completed.

What to Do	How to Do It	Date of Compliance	Staff Member	Date Completed
Meaningful Access				
Take reasonable steps to provide meaningful access to each individual with limited English proficiency (“LEP”) eligible to be served or likely to be encountered.	Identify “qualified” interpreters and translators for the languages most likely to be encountered in your office. Staff members who interpret or translate must be “qualified” too, and must have interpretation or translation duties included in their job description. If you are covered by HIPAA, obtain business associate agreements for non-staff interpreters and translators. Consider developing a Sample Language Access Plan (not required, but a good practice).	July 18, 2016		
Qualified Interpreters and Translators				
Make sure all translators and interpreters for individuals with LEP and individuals with disabilities, meet the rule’s requirements for “qualified interpreters,” “qualified translators,” and “qualified bilingual staff.”	Qualified interpreters and translators are <ul style="list-style-type: none"> • Proficient in English and the non-English language • Able to interpret/translate effectively, accurately and impartially • Knows dental vocabulary, terminology and phrases • Adhere to principles of interpreter/translator ethics, including client confidentiality 	July 18, 2016		
Connection for video remote interpreting services				

<p>If you provide a qualified interpreter for individuals with LEP through a video remote interpreting service, make sure your connection meets the requirements in the rule.</p>	<p>Audio-visual communication requires you to use:</p> <ul style="list-style-type: none"> • Real-time, full-motion video and audio over a dedicated high-speed, wide-bandwidth video connection or wireless connection that delivers high-quality video images that do not produce lags, choppy, blurry, or grainy images, or irregular pauses in communications • A sharply delineated image that is large enough to display the interpreter's face and the participating individual's face regardless of the individual's body position • A clear, audible transmission of voices, and • Adequate training to users of the technology and other involved individuals so that they may quickly and efficiently set up and operate the video remote interpreting. <p>If you're covered by HIPAA, you should do a HIPAA Security risk assessment around the technology, and make sure appropriate safeguards are in place to help prevent a reportable data breach.</p>	<p>July 18, 2016</p>		
<p>Effective Communications</p>				
<p>Make sure your dental practice is taking appropriate steps to ensure that communications with individuals with disabilities are as effective as communications with others in your dental practice.</p> <p>Your obligation to ensure effective communication applies to patients and members of the public, as well as individuals' companions with disabilities, such as a patient's family member, friend, or associate, when it is appropriate to communicate with that individual.</p>	<p>Auxiliary aids and services may include</p> <ul style="list-style-type: none"> • alternative formats • sign language interpreters • oral transliterators (who represent or spell in the characters of another alphabet) • cued language transliterators (individuals who represent or spell by using a small number of handshapes) • taped texts • a reader for an individual with a visual impairment • equipment adapted for an individual with a manual impairment. <p>You are not required to provide attendants nor devices or services of a personal nature, such as a reader for personal use.</p> <p>*NB: You are not required to take any action that you can demonstrate would result in a fundamental alteration in the nature of your dental practice or in undue financial and administrative burdens. However, if you rely on this exception you have the burden of proof that fundamental alteration or undue financial and administrative burdens would result.</p>	<p>July 18, 2016</p>		
<p>Accessible Technology</p>				

<p>Technology that you use to deliver services (e.g., online appointment system, online billing) must be accessible to individuals with disabilities.</p>	<p>There is an exception if making the technology accessible would be either an undue financial or administrative burden, or a fundamental alteration in the nature of the health program or activity.</p> <p>If it would be an undue burden or fundamental alteration, you must also use non-electronic formats to ensure, as much as possible, that individuals with disabilities receive the same benefits or services you're providing through your electronic or information technology.</p>			
<p>Employee Health Plan</p>				
<p>If you have an employee health plan, the plan is also required to comply with Section 1557.</p>	<p>The Section 1557 prohibition on discrimination would apply to the plan, and it may be necessary to make technology used to administer the plan accessible to individuals with disabilities.</p>	<p>July 18, 2016</p>		
<p>Facility</p>				
<p>If you are planning new construction or alteration of your facility, determine whether you are required to meet the 2010 standards.</p>	<p>When planning your construction or alteration project, work with a qualified attorney to determine if Section 1557 applies, and if so which accessibility standards must be met.</p>	<p>July 18, 2016</p>		
<p>Grievance Procedures</p>				
<p>Required if you have 15 or more employees</p>	<p>Designate an employee to coordinate your efforts</p> <p>Develop and implement a grievance procedure</p> <ul style="list-style-type: none"> • Appropriate due process standards • Prompt and equitable resolution of grievances alleging noncompliance <p>Sample Grievance Procedure</p> <p>Include information in your notice of non-discrimination</p>	<p>July 18, 2016</p> <p>October 16, 2016</p>		
<p>Assurances Form</p>				
<p>When you apply for federal financial assistance (e.g., Medicaid reimbursement), carefully review the Section 1557 assurances form and correct any noncompliance before signing.</p>	<p>The Office for Civil Rights will supply an "assurances" form that your dental practice will be operated in compliance with the Section 1557 statute and regulations when you apply for federal financial assistance. Carefully review the assurances form to ensure your dental practice can provide the necessary assurances, and correct any noncompliance before signing and submitting the form.</p>	<p>July 18, 2016</p>		

<p>Notice of Nondiscrimination</p>				
<p>Develop and Post Notice of Nondiscrimination*</p> <p>*15 or more employees: Include information about your grievance procedures</p>	<p>Download Sample form on CPS: Sample Notice of Nondiscrimination</p> <p>May be posted in English, but provided in another language on request</p> <ul style="list-style-type: none"> • Covered Entity=Dentist name or practice name • Civil Rights Coordinator=Office Employee (if more than 15 employees, employee assigned to handle grievance procedures) • 1-xxx-xxx-xxxx = Your office telephone number • TTY 1-xxx-xxx-xxxx = Your office TTY number <p>Post Notice</p> <ul style="list-style-type: none"> • in your office • on your website (if you have one) • in significant publications and communications <p>For smaller significant publications and communications (e.g., postcards and trifold brochures), post abbreviated version of notice: "[NAME OF DENTAL PRACTICE] complies with applicable Federal civil rights laws and does not discriminate on the basis of race, color, national origin, age, disability, or sex."</p> <p>You may use up your currently on hand stock of pre-printed publications, documents, and communications, but you must add the required language when you order new ones.</p>	<p>October 16, 2016</p>		
<p>Taglines</p>				
<p>Develop taglines in the top 15 non-English languages spoken in your state.</p>	<p>Go to the Centers for Medicare and Medicaid Services website for the top 15 non-English languages in your state: http://www.cms.gov/CCIIO/Resources/Regulations-and-Guidance/Downloads/Appendix-A-Top-15.pdf</p> <p>Go to the Office for Civil Rights for taglines transmitted into various languages: http://www.hhs.gov/civil-rights/for-individuals/section-1557/translated-resources/index.html</p> <p>Office for Civil Rights' sample tagline: ATTENTION: If you speak [insert language], language assistance services, free of charge, are available to you. Call 1-xxx-xxx-xxxx (TTY: 1-xxx-xxx-xxxx).</p> <p>Prepare your state specific tagline document.</p>	<p>October 16, 2016</p>		

	<p>Post taglines:</p> <ul style="list-style-type: none"> • in your office • on your website (if you have one) • in significant publications and communications <p>For smaller significant publications and communications (e.g., postcards and trifold brochures), post taglines in the top 2 non-English languages spoken in your state</p>		
<p>Optional</p>			
	<ul style="list-style-type: none"> • Review your policies, procedures and practices and modify any that an individual might reasonably consider discriminatory. • Train your staff on Section 1557 compliance. • Develop and implement a voluntary language access plan. 		

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