



# ADMINISTRATIVE MANUAL

<b>SUBJECT:</b> PROCUREMENT Civil Rights Contract Compliance Program	<i>Chapter:</i> 22
	<i>Section:</i> 22.7
<b>REFERENCES:</b> Title VI, Civil Rights Act of 1964; Section 504, Rehabilitation Act of 1973; American's With Disabilities Act of 1990, Title III; Age Discrimination Act of 1975; Title IX, Education Amendments of 1972; Methods of Administration, Chapter 3.2 of the DHSS Administration Manual.	<i>Page:</i> 1 of 4
	<i>Revised:</i> 5-01-08

## CIVIL RIGHTS CONTRACT COMPLIANCE PROGRAM

### I. PURPOSE:

To provide general information with regard to monitoring all who contract with the Missouri Department of Health and Senior Services (DHSS).

### II. SCOPE:

Department wide involving all staff that perform contract monitoring functions and all who contract with DHSS to provide services.

### III. POLICY:

Civil Rights compliance activities are carried out in accordance with the Methods of Administration (MOA) of the Department of Health and Senior Services in the Administrative Manual, Chapter 3.2. In accordance with federal regulations, the MOA are filed with the U.S. Department of Health and Human Services.

The Civil Rights Compliance Coordinator develops and maintains the Civil Rights Compliance Provision of Services Policies and Procedures. The Civil Rights compliance program of the Department of Health and Senior Services is designed to ensure that all contracted providers of services are in compliance with applicable federal and state laws, rules, regulations, and executive orders mandating non-discriminatory practices in the provision of services.



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	<i>Revised:</i> 5-01-08

### IV.    **PROCEDURE:**

#### A.    Assurance Agreements

Prior to beginning a contractual relationship with the Department of Health and Senior Services, an individual or agency must assure compliance. DHSS has assurance language within the body of its contracts, and upon signing a contract with DHSS, the individual or agency has assured compliance with Title VI civil rights laws.

#### B.    Desk Reviews of Contractors

1. The Civil Rights Compliance Coordinator can periodically assess the actual level of contract compliance with all applicable requirements by conducting a desk review on selected contractors. Decisions for review will be based on neutral criteria or evidence of a violation, which can include a credible complaint. If DHSS receives a complaint that is not within its jurisdiction, the complaint will be referred to the appropriate agency.
2. If selected for review, the contractor will be sent a Compliance Review Form, which must be completed and returned within thirty (30) days.
3. A written record will be kept on the criteria used for selection of targets and how such criteria were met.
4. Upon receipt of the Compliance Review Form, the Civil Rights Compliance Coordinator will review the materials and if applicable, complete a report. The report will clearly indicate whether or not the contractor is substantially in compliance with all relevant rules and regulations applicable to the contractor’s operation.
5. If the desk review detects substantial areas of non-compliance, an on-site visit can be made to determine if the non-compliance is pervasive. At that time necessary corrective actions will be determined by discussing the areas of non-compliance with the health care provider and DHSS Office of General Counsel. After an agreement has been reached, a letter will be sent to the health care



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	<i>Revised:</i> 5-01-08

provider discussing the actions that were previously agreed upon and provide a date for submission.

6. If the contractor is substantially in compliance, the desk review report will reflect that the finding of compliance was soundly based and properly documented.

### C. On-Site Reviews of Contractors

1. All on-site Civil Rights contract-monitoring reviews shall be conducted by the Civil Rights Contract Compliance Coordinator, except where programs conduct their own reviews as required by Federal mandates.
2. Any on-site review will be conducted based on neutral criteria or through evidence of a violation.
3. A written record will be kept on the criteria for selection of targets and how such criteria were met.
4. On-site reviews will be completed using the same form that is used to conduct desk reviews.
5. Contracted health care providers who have been chosen for on-site reviews by the DHSS Civil Rights Coordinator shall be contacted by telephone to schedule a mutually convenient time for the on-site visit. Written notification will be mailed to the contracted health care provider at least twenty-one (21) days prior to the visit. A review form will accompany the written notification and the health care provider will be instructed to complete the questionnaire and have necessary documentation available for review.
6. Complete notes must be taken describing the health care provider’s level of compliance or areas of deficiency. Prior to leaving the health care provider’s facility, an “exit” interview will be performed. During the interview, the health care provider will be apprised of the results of the review and available corrective action will be discussed. Once an agreement is reached, the health care provider will be informed about what should be expected.



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	<p><i>Revised:</i>    5-01-08</p>

7. Department program and/or district staff may be notified of and at times, involved in, on-site reviews conducted by the Civil Rights Compliance Coordinator.

D. Non-Compliance Action

1. The health care provider will be given thirty (30) days to comply with the corrective action plan with extensions granted under appropriate circumstances.
2. If the health care provider fails to comply with the corrective action plan or refuses to take the necessary action(s), the Civil Rights Contract Compliance Coordinator shall attempt through all reasonable means to provide needed technical assistance. However, if the health care provider still fails or refuses to take necessary action, a list of the deficiencies with an outline of the efforts made to obtain compliance will be forwarded to the Chief Counsel.
3. Any further actions with regard to the contract entered into with the agency in question, will be initiated by the Office of the Director.

Prepared by:

Approved by:

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Chief, Office of Human Resources

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Deputy Department Director