

*Please note: pursuant to decisions by various district courts regarding the 2024 Final Rule implementing Section 1557, entitled Nondiscrimination in Health Programs and Activities, 89 Fed. Reg. 37,522 (May 6, 2024) (“2024 Final Rule”), certain provisions regarding gender identity are stayed nationwide. Other provisions are stayed or enjoined as indicated at [www.hhs.gov/1557](http://www.hhs.gov/1557).*

## **SAMPLE GRIEVANCE PROCEDURE**

In accordance with Section 1557 of the Affordable Care Act (Section 1557), it is the policy of [name of covered entity] to not discriminate on the basis of race, color, national origin (including limited English proficiency and primary language), age, disability, or sex (consistent with the scope of sex discrimination described at 45 CFR § 92.101(a)(2)) [optional: (or sex, including sex characteristics, including intersex traits; pregnancy or related conditions; sexual orientation; gender identity, and sex stereotypes).]

This is the grievance procedure for providing prompt and equitable resolution of complaints alleging any action prohibited by Section 1557 and its implementing regulations at 45 C.F.R. Part 92, issued by the U.S. Department of Health and Human Services. Section 1557 and its implementing regulations may be examined at [insert OCR website’s link to Section 1557 regulations or link to regulations available at Federal Register].

Any person who believes that [name of covered entity] subjected someone to discrimination prohibited by Section 1557 may file a grievance under this procedure.

Filing a grievance does not prevent a person from pursuing other legal or administrative remedies, including filing a complaint of discrimination on the basis of race, color, national origin, sex, age, or disability in court or with the U.S. Department of Health and Human Services, Office for Civil Rights. A person can file a complaint of discrimination electronically through the Office for Civil Rights Complaint Portal, which is available at: <https://ocrportal.hhs.gov/ocr/smartscreen/main.jsf>, or by mail or phone at:

U.S. Department of Health and Human Services  
200 Independence Avenue, SW  
Room 509F, HHH Building  
Washington, D.C. 20201  
1-800-368-1019  
TDD: 1-800-537-7697

It is against the law for [name of covered entity] to intimidate, threaten, coerce, retaliate, or otherwise discriminate against anyone who files a grievance, or participates in the investigation of a grievance for the purpose of interfering with any right or privilege secured by Section 1557.

Procedure:

- Grievances must be submitted to the Section 1557 Coordinator [if applicable] within [insert applicable timeframe, recommend 60 days] of the date the person filing the grievance becomes aware of the alleged discriminatory action.
- A grievance should generally be in writing, containing the name and contact information of the person filing it as well as the alleged discriminatory action and alleged basis (or bases) of discrimination, the date the grievance was filed, and any other pertinent information.
- When a grievance includes allegations that would violate Section 1557, the Section 1557 Coordinator (or their designee) [if applicable] shall investigate the grievance. This investigation may be informal, but it will be thorough, affording all interested persons an opportunity to submit evidence relevant to the grievance.
- [Insert name of covered entity] shall inform an individual that they have a right to reasonable modifications in the grievance procedure if they need them.
- The Section 1557 Coordinator [if applicable] must keep confidential the identity of an individual who has filed a grievance under this part except as required by law or to carry out the purposes of this part, including the conduct on any investigation, including to investigate the grievance.
- [Insert name of covered entity] will issue to the person who filed the grievance a written decision on the grievance no later than [insert applicable timeframe, recommend 30 days] after its filing. The decision shall include the resolution date and a notice to the complainant of their right to pursue further administrative or legal remedies.
- [Insert name of covered entity] will maintain the files and records relating to such grievances for at least three years from the date [name of covered entity] resolves the grievance.

The person filing the grievance may appeal the written decision by writing to the [insert appropriate person/position] within [insert applicable timeframe, recommend 15 days] of receiving the decision. The [Administrator/Chief Executive Officer/Board of Directors/etc.] shall issue a written decision in response to the appeal no later than 30 days after its filing.

[Name of covered entity], through the Section 1557 Coordinator [if applicable], will make appropriate arrangements to ensure that individuals with disabilities and individuals with limited English proficiency are provided reasonable modifications, appropriate auxiliary aids and services, or language assistance services, respectively, if needed to participate in this grievance process. Such arrangements may include but are not limited to providing these services in a timely manner and without cost to individuals being served to ensure that individuals have an equal opportunity to participate in the grievance process.