

Document Type:¹

Policy & Procedure Process Guideline
 Plan System Description

Adopted: 11/07/2019
Last: 01/01/2019
Reviewed:
Retired: _____

Revisions: _____

Document Scope: (applies to Policy & Procedure only)

- The requirements herein apply only to the GCBH Central Office and its functions.
- The requirements herein apply, verbatim, to GCBH and its network providers².
- X - The requirements herein apply both to GCBH and its network providers². Additionally, network providers must have internal documents¹ outlining their processes for implementing the requirements, insofar as they relate to actions for which network providers are responsible.

PURPOSE: To establish Greater Columbia Behavioral Health, LLC BH-ASO (GCBH) standards prohibiting discrimination against, or sexual harassment of, employees, contracted network providers, and individuals/enrollees.

DEFINITIONS

- I. **Behavioral Health Services:** Mental health and/or substance use disorder treatment services provided by a Behavioral Health Agency (BHA) licensed by the State of Washington Department of Health (DOH) to provide these services.
- II. **Individual:** A person who has applied for, is eligible for, or has received behavioral health services from a Greater Columbia Behavioral Health, LLC BH-ASO (GCBH) network provider, regardless of Medicaid eligibility. For a child under the age of thirteen, or for a child thirteen or older whose parents or legal guardians are involved in the treatment plan, the definition of individual/enrollee includes parents or legal guardians.
- III. **Provider:** Any individual or entity providing GCBH funded behavioral health services through contractual agreement with GCBH. This term does not include employees of GCBH.
- IV. **Persons associated with GCBH:** All Executive Committee members and their alternates, consultants, GCBH employees, and network providers receiving GCBH funding directly or indirectly to support behavioral health services.
- V. **Disability:** A physical or mental impairment, which substantially limits one or more major life activity. Major life activities include: caring for one's self, walking, seeing, hearing, speaking, breathing, working, performing manual tasks, and learning. Individuals with disabilities include: people with a current physical or mental impairment, those with a history of physical or mental impairment, or someone regarded as having a physical or mental impairment.
 1. Physical impairments include, but are not limited to: visual, speech, and hearing impairments, muscular dystrophy, multiple sclerosis, orthopedic conditions, cancer, heart disease, diabetes, as well as contagious and non-contagious diseases such as tuberculosis and HIV.
 2. Mental impairments include, but are not limited to: mental retardation, psychiatric illness, learning disabilities, cerebral palsy, and epilepsy.

¹See definitions of document types in AD100, "Development, Approval & Review of Formal GCBH Documents"

²Network Provider" – An organization with which GCBH is contracted for the provision of direct services.

- VI. Discrimination/Discriminatory Practices: Includes any action taken, or decision made, that results in unequal or derogatory treatment on the basis of race, color, religion, national origin, sex, age, marital status, Veteran status, disability, sexual orientation, or political ideology. Encompasses all aspects of employment, and also includes:
1. Harassment on the basis of race, color, religion, sex, national origin, disability, or age.
 2. Retaliation against an individual for filing a charge of discrimination, participating in an investigation, or opposing discriminatory practices.
 3. Employment decisions based on stereotypes or assumptions about the abilities, traits, or performance of individuals of a certain sex, race, age, religion, ethnic group, or individuals with disabilities.
 4. Denying employment opportunities to a person because of marriage to, or association with, an individual of a particular race, religion, national origin, disability, or because of participation in schools or places of worship associated with a particular racial, ethnic, or religious group.
- VII. Retaliation/Retaliatory Action: An adverse action taken to keep someone from opposing a discriminatory practice or from participating in employment discrimination proceedings. Examples include:
1. Employment actions such as termination, refusal to hire, and denial of promotion.
 2. Actions affecting employment such as threats, unjustified negative evaluations, unjustified negative references, or increased surveillance.
 3. Any other action such as an assault or unfounded civil or criminal charges likely to deter reasonable people from pursuing their rights.
- VIII. Sexual Harassment: A form of sex discrimination that violates Title VII of the Civil Rights Act of 1964. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment. Examples include, but are not limited to:
1. Suggestive or obscene letters, notes, and invitations.
 2. Derogatory comments, slurs, or jokes.
 3. Inappropriate touching, impeding or blocking movements, or assaults
 4. Leering or sexually oriented gestures.
 5. Display of sexually suggestive or derogatory objects, including pictures, cartoons, or posters.

POLICY

- A. GCBH is committed to the fair and equal treatment of all individuals, providers, employees, and applicants for employment. GCBH does not discriminate on the basis of race, color, religion, national origin, sex, age, marital status, Veteran status, disability, sexual orientation, or political ideology. Discriminatory practices, including sexual harassment, are excluded from all aspects of employment, service provision, and workplace environments of GCBH and all entities with which GCBH contracts. GCBH and its contractors comply with the following nondiscrimination requirements:

- a. The Omnibus Crime Control and Safe Streets Act of 1968:
<https://www.justice.gov/crt/omnibus-crime-control-and-safe-streets-act-1968-42-usc-3789d>
- b. Title VI of the Civil Rights Act of 1964: <https://www.justice.gov/crt/fcs/TitleVI-Overview>
- c. Section 504 of the Rehabilitation Act of 1973:
<https://www.dol.gov/oasam/regs/statutes/sec504.htm>
- d. Subtitle A, Title II of the Americans with Disabilities Act (ADA)(1990):
https://www.dol.gov/oasam/regs/statutes/ada_iaa.htm
- e. Title IX of the Education Amendments of 1972:
<https://www.dol.gov/oasam/regs/statutes/titleix.htm>
- f. The Department of Justice Non-Discrimination Regulations, 28 CFR Part 42, Subparts C, D, E, and G. as well as 28 CFR Part 35 and Part 39

(See www.ojp.usdoj.gov/ocr for additional information and access to the
aforementioned Federal laws and regulations.)

- B. GCBH shall ensure through policies and procedures that there is no discrimination in its provider selection based on:
 - a. The participation, reimbursement, or indemnification of any provider acting within the scope of their license or certification under applicable State law, solely upon the basis of that license or certification.
 - b. Practitioners that serve high-risk populations or specialize in behavioral health conditions that require costly treatment.
- C. Charges of discrimination received by GCBH and the entities with which it contracts are promptly investigated by the officials/management of the entity receiving the complaint. Retaliation for reporting discrimination or for cooperating with an investigation is not tolerated; retaliatory acts are subject to discipline, up to and including termination of employment or the contractual relationship.
- D. The failure of an entity with which GCBH contracts to address a complaint of discrimination, whether made by an employee of that entity or an individual/enrollee, or if a retaliatory response is made by a contractor to such a complaint, may result in dissolution of the contractual relationship with GCBH.
- E. Specific, written procedures for reporting and addressing complaints of discrimination are maintained by the GCBH Central Office and all entities with which GCBH contracts. All persons associated with GCBH are made aware of what constitutes discrimination and how to respond to it. Individuals/enrollees are encouraged to file a grievance if they believe GCBH employees or Network Providers have dealt with them in a discriminatory manner.

APPROVAL



Karen Richardson or Sindi Saunders, Co-Directors

11/07/2019

Date