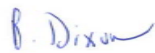




United Behavioral Health

Non-Discrimination		Policy Identifier/Number: AD-02	
Annual Review Completed Date: February 2018			
Policy Category: Government – Pierce Regional Support Network	Applicable Lines of Business: Medicaid	Entity/Plan: Optum Pierce Behavioral Health Organization	State: Pierce County, Washington
Approved by: Bea Dixon, Executive Director		Signature: 	

Policy Statement and Purpose

Optum Pierce Behavioral Health Organization (BHO) complies with all applicable state and federal civil rights and other laws. Furthermore, Optum Pierce BHO strives to create a workplace where discrimination in any form is not tolerated.

- Optum Pierce BHO strives to maintain a workplace that accepts the differences in employees' cultures, ages, ethnicities, genders, physical and mental abilities, and lifestyles. The company does not discriminate against any applicant, employee, individual in services or provider based on age, race, gender, color, religion, national origin, ancestry, disability, marital status, covered veteran status, sexual orientation, gender identity and/or expression, status with respect to public assistance or any other characteristic protected by state, federal, or local law.
- Harassment and intimidation are recognized forms of discrimination and, as such, are not tolerated. Any employee who harasses or intimidates another employee, job applicant, vendor, consumer, provider, or customer will be subject to disciplinary action, up to and including termination.
- Optum Pierce BHO is committed to affirmative action with respect to gender, race, covered veteran status, and disability in its employment practices and will implement this policy in the areas of compensation, benefits, transfers, layoffs, returns from layoffs, company-supported training, education or training assistance, and social and/or recreational programs.

Policy Audience and Applicability

This policy is applicable to the Optum Pierce BHO and benefits administered through the Washington State Department of Social and Health Services (DSHS) current Prepaid Inpatient Health Plan (PIHP).

Policy Definitions

Optum is responsible for adhering to all applicable state and/or federal laws governing activities within the scope of this policy, including the Mental Health Parity and Addiction Equity Act (MHPAEA) and the Health Insurance Portability and Accountability Act (HIPAA) privacy requirements, as well as the applicable requirements, standards and regulations as set forth by the Employee Retirement Income Security Act (ERISA), the Center for Medicare and Medicaid Services (CMS), the Department of Labor (DoL), and any applicable accrediting organizations.

N/A

Policy Provisions

1. Non-Discrimination: Individuals in behavioral health services
 - 1.1. According to the Optum Pierce BHO policy CR-01, titled *Consumer Rights and Responsibilities*, individuals are not to be discriminated against by Optum Pierce BHO staff or providers based on, but not limited to:
 - 1.1.1. Race;
 - 1.1.2. Language;
 - 1.1.3. Age;
 - 1.1.4. Creed;
 - 1.1.5. Disability;
 - 1.1.6. Socioeconomic status;
 - 1.1.7. Marital status;
 - 1.1.8. Gender;
 - 1.1.9. Culture;
 - 1.1.10. Sexual orientation;
 - 1.1.11. Education; Religious background,
 - 1.1.12. Drug of choice;
 - 1.1.13. Use of legally prescribed medications;
 - 1.1.14. Use of over-the-counter nicotine cessation products or participation in a nicotine replacement therapy regimen; or
 - 1.1.15. Washington State BHO of residence.
 - 1.1.15.1. Optum Pierce BHO must, subject to allocated funds and service availability, serve all eligible Washington State residents who may be transient and require services.
 - 1.2. Any individual who feels that he/she has been discriminated against is asked to contact the behavioral health care provider, Ombuds Service, or Optum Pierce BHO's Quality Analyst with grievance responsibilities so that the situation can be resolved.
 - 1.2.1. The Clinical Quality Analyst will:
 - 1.2.1.1. Contact the individual receiving services;
 - 1.2.1.2. Log the Grievance
 - 1.2.1.3. Resolve the individual's grievance to the individual's satisfaction
 - 1.2.2. Disciplinary action will be taken against any Optum Pierce BHO employee or provider who engages in discriminatory actions or practices.
 - 1.2.3. Disciplinary action can lead to and/or include termination of the employee or provider contract.
2. Non-Discrimination: Internal Staff
 - 2.1. According to the UnitedHealth Group policy titled, *Non-Discrimination*, a grievance of discrimination may be initiated if an employee or candidate for employment believes

that he/she is being treated unfairly because of his/her:

- 2.1.1. Age;
- 2.1.2. Ethnicity;
- 2.1.3. Genetic information;
- 2.1.4. Race;
- 2.1.5. Gender;
- 2.1.6. Color;
- 2.1.7. Religion;
- 2.1.8. National origin;
- 2.1.9. Ancestry;
- 2.1.10. Handicap/Disability;
- 2.1.11. Marital status;
- 2.1.12. Covered veteran status;
- 2.1.13. Sexual orientation;
- 2.1.14. Gender identity and/or expression;
- 2.1.15. Status with respect to public assistance; and
- 2.1.16. Any other characteristic protected by state, federal or local law.

2.2. The company promotes a diverse workforce through:

- 2.2.1. Affirmative action planning; and
- 2.2.2. Manager training programs.

2.3. Employees can get information about the company's diversity programs from:

- 2.3.1. United HRdirect;
- 2.3.2. Human Capital Partner; and
- 2.3.3. Corporate Employee Relations.

2.4. If an employee thinks that he/she has been discriminated against, s/he should contact United HRdirect U.S at <https://hub.uhg.com/sites/hub/Resources/Human-Capital-Help/Contact-HRdirect-US/Pages/default.aspx>.

2.4.1. The employee should file a complaint as close as possible to the date the alleged discriminatory incident took place.

2.4.2. Once the incident has been reported, Optum Pierce BHO is committed to investigating the complaint as quickly and thoroughly as possible.

2.5. If an employee thinks that s/he has been wrongly accused of discrimination, or if s/he thinks the investigation wasn't handled properly, s/he should contact United HRdirect U.S.

2.6. Only those people who have a need to know will be told about the investigation. Generally, the people who know are:

- 2.6.1. The person filing the complaint;
- 2.6.2. The employee accused of discrimination;
- 2.6.3. United HRdirect;

- 2.6.4. Human Capital Partner;
 - 2.6.5. Corporate Employee Relations; and
 - 2.6.6. The complainant's immediate manager.
- 2.7. The Equal Employment Opportunity and Affirmative Action policy is supplied by HRdirect U.S. and is posted:
- 2.7.1. In each building;
 - 2.7.2. In employee break rooms; and
 - 2.7.3. On applicable Web portals.
3. Non-Discrimination: Contracted Behavioral Health Care Providers
- 3.1. Optum Pierce BHO does not deny participation, reimbursement, or indemnification of any Behavioral Health Agency (BHA) that is acting within the scope of its license or certification under applicable state law solely upon the basis of that license or certification.
 - 3.2. Optum Pierce BHO does not deny participation for particular BHAs who serve high risk behavioral health enrollees/individuals or specialize in behavioral health conditions that require costly treatment.
 - 3.3. All Optum Pierce BHO and BHA staff is advised of this policy and are responsible for reading, understanding, and adhering to this standard.
 - 3.4. Optum Pierce BHO has not and will not terminate a behavioral health care provider because s/he:
 - 3.4.1. Advocated on behalf of an enrollee/consumer;
 - 3.4.2. Filed a complaint against Optum Pierce BHO;
 - 3.4.3. Appealed a decision of Optum Pierce BHO; or
 - 3.4.4. Requested a review or challenged a termination decision.
 - 3.5. Nothing in behavioral health care provider contracts should be read as contradicting or in any way modifying this long-standing practice.
 - 3.6. Any conduct that is contrary to this policy is subject to disciplinary or corrective action.
 - 3.7. Optum Pierce BHO provides written notification to any behavioral health care provider who is not selected to participate in the network, including the reason for Optum Pierce BHO's decision.

Related Policies, Procedures & Materials

- Pierce Behavioral Health Organization policy: CR-01 - *Consumer Rights and Responsibilities*
- Pierce Behavioral Health Organization policy: CR-02A - *Grievance and Appeal System: Grievance Process*
- Pierce Behavioral Health Organization policy: CR-06 - *Ombuds Services*
- UnitedHealth Group policy: *Non-Discrimination*

Attachments

N/A

Approval History

- Policy created and effective: 07/2009
- Policy and Procedure Committee review and approval: 10/26/2009
- Policy and Procedure Committee review and approval: 08/23/2010
- Policy and Procedure Committee review and approval: 09/26/2011
- Policy and Procedure Committee review and approval: 08/27/2012
- Policy and Procedure Committee review and approval: 12/02/2013
- Policy and Procedure Committee review and approval: 09/22/2014
- Policy and Procedure Committee review and approval: 09/28/2015
- Policy and Procedure Committee review and approval: 02/24/2016
- Operational Procedures and Standards Committee Reviewed and Accepted: 01/25/2017
- Optum Pierce BHO reviewed and accepted: February 2018