

PROVIDER Update



Health Net®

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Non-discrimination in Health Programs and Activities

On May 18, 2016, the U.S. Department of Health and Human Service (HHS) issued the Final Rule, Non-discrimination in Health Programs and Activities, implementing the prohibition of discrimination under Section 1557 of the Affordable Care Act of 2010 (ACA).

Section 1557 is the civil rights provision of the ACA. It's the first federal civil rights law to prohibit sex discrimination in health care. As a covered entity that operates a health program or activity (insurance), any part of which receives federal financial assistance, Health Net of Arizona, Inc. and Health Net Life Insurance Company (Health Net) participating providers are required to comply with applicable laws and regulations, and Health Net policies and procedures. The regulations provided on pages 2 and 3 are effective immediately. Participating providers that are covered entities independent of Health Net might have separate and additional responsibilities not included in this notice.

ADDITIONAL INFORMATION

Relevant sections of Health Net's provider operations manuals have been revised to reflect the information contained in this update as applicable. Provider operations manuals are available electronically in the Provider Library, located on Health Net's provider website at provider.healthnet.com.

Providers are encouraged to access Health Net's provider portal online at provider.healthnet.com for real-time information, including eligibility verification, claims status, prior authorization status, plan summaries, and more.

For details on all requirements under Section 1557 in 45 CFR Part 92, refer to the Federal Register at <https://www.federalregister.gov/documents/2016/05/18/2016-11458/nondiscrimination-in-health-programs-and-activities>. For additional training materials, refer to the HHS website at <http://www.hhs.gov/civil-rights/for-individuals/section-1557/trainingmaterials/index.html>. For provider specific information, refer to the HHS website at <http://www.hhs.gov/civil-rights/for-providers/index.html>. For all other questions, contact the applicable Health Net Provider Services Center at:

Line of Business	Telephone Number	Email Address
HMO, PPO, POS, & MEDICARE ADVANTAGE	1-800-289-2818	AZ_InternetProviderInquiries@healthnet.com
HEALTH INSURANCE MARKETPLACE	1-888-926-1870	

THIS UPDATE APPLIES TO ARIZONA PROVIDERS:

- Physicians
- Medical Groups/IPAs
- Hospitals
- Ancillary Providers

LINES OF BUSINESS:

- Advantage Platinum (HMO)
- Advantage Platinum (PPO, POS)
- Medicare Advantage (HMO)

PROVIDER SERVICES

az_internetproviderinquiries@healthnet.com
HMO, PPO, POS, Medicare Advantage – 1-800-289-2818
Health Insurance Marketplace – 1-888-926-1870
www.healthnet.com

NATIONAL PROVIDER COMMUNICATIONS

provider.communications@healthnet.com
fax 1-800-937-6086

SECTION 1557 REQUIREMENTS

Title	Description	Provider Responsibility	Additional Information
NOTICE REQUIREMENT	Covered entities must take appropriate initial and continuing steps to notify beneficiaries, enrollees, applicants, and members of the public that they prohibit discrimination on the basis of race, color, national origin, sex, age, or disability in health programs and activities	Participating providers must add Health Net-specific non-discrimination notices and taglines in significant publications and communications issued to Health Net members	§92.8
EFFECTIVE COMMUNICATION FOR INDIVIDUALS WITH DISABILITY	Covered entities must take appropriate steps to ensure that communications with individuals with disabilities are as effective as communications with others in health programs and activities. This includes providing appropriate auxiliary aids and services to individuals with disabilities	If necessary, participating providers must assess and enhance existing policies and procedures to ensure effective communication with Health Net members	§ 92.202
ACCESSIBILITY OF ELECTRONIC AND INFORMATION TECHNOLOGY	Covered entities must ensure that their health programs or activities provided through electronic and information technology are accessible to individuals with disabilities, unless doing so would result in undue financial and administrative burdens or a fundamental alteration in the nature of the health programs or activities	Ensure programs or activities provided through electronic or information technology such as websites or online versions of materials are accessible to individuals with disabilities. If necessary, participating providers must assess and enhance website compliance with Title II of ADA	§ 92.204
ENFORCEMENT MECHANISMS	The enforcement mechanisms available for and provided under Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, or the Age Discrimination Act of 1975 shall apply for purposes of Section 1557	Participating providers must notify Health Net immediately of a discrimination grievance submitted by a Health Net member and continue to follow Health Net's existing issue write-up procedures for detection and remediation of non-compliance. Additionally, participating providers must comply with Health Net regulatory or private litigation research, investigations, and remediation requirements	§ 92.301
PROCEDURES FOR HEALTH PROGRAMS AND ACTIVITIES CONDUCTED BY RECIPIENTS AND STATE-BASED MARKETPLACES	The procedural provisions applicable to Title VI apply with respect to administrative enforcement actions concerning discrimination on the basis of race, color, national, origin, sex, and disability discrimination under Section 1557		§ 92.302

Title	Description	Provider Responsibility	Additional Information
ACCESS FOR INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY	Covered entities must take reasonable steps to provide meaningful access to each individual with limited English proficiency eligible to be served or likely to be encountered in its health programs and activities	Participating providers must assess and enhance, if necessary, existing language assistance services to ensure they are compliant	§ 92.201
DISCRIMINATION PROHIBITED	Except as provided in Title I of the ACA, an individual cannot, on the basis of race, color, national origin, sex, age, or disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any health program or activity to which this part applies	Participating providers must implement, enhance and reinforce prohibitions on exclusions, denials or discrimination such as in design, operation or behavior of benefits or services on the basis of race, color, national origin, sex, age, or disability. Additionally they must implement, where applicable:	§ 92.101
EQUAL PROGRAM ACCESS ON THE BASIS OF SEX	Covered entities must provide individuals equal access to their health programs or activities without discrimination on the basis of sex. Covered entities must treat individuals consistent with their gender identity. A covered entity may not deny or limit health services that are ordinarily or exclusively available to individuals of one sex, to a transgender individual based on the fact that the individual's sex assigned at birth, gender identity, or gender otherwise recorded is different from the one to which such health services are ordinarily or exclusively available	<ul style="list-style-type: none"> • medical necessity reviews for all gender transition services and surgery; • program or activity changes to avoid discrimination where necessary; • plan design changes where necessary, such as removing categorical gender or age exclusions; • Additionally, providers must remove prohibited categorical exclusions and denial reasons, and update non-discrimination policies and procedures to include prohibitions against discrimination on the basis of sex, including gender identity and sex stereotyping 	§ 92.206
NON-DISCRIMINATION IN HEALTH-RELATED INSURANCE AND OTHER HEALTH-RELATED COVERAGE	Covered entities shall not, in providing or administering health-related insurance or other health-related coverage, discriminate on the basis of race, color, national origin, sex, age, or disability	Participating providers can consider implementing:	§ 92.207
NON-DISCRIMINATION ON THE BASIS OF ASSOCIATION	Covered entities shall not exclude from participation in, deny the benefits of, or otherwise discriminate against an individual or entity in its health programs or activities on the basis of the race, color, national origin, sex, age, or disability of an individual with whom the individual or entity is known or believed to have a relationship or association	<ul style="list-style-type: none"> • ability to capture gender identity; • mandatory provider and staff civil rights and/or cultural sensitivity training 	§ 92.209

PROVIDER *Update*

PLEASE READ, CIRCULATE AND FILE

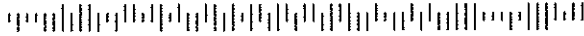


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