SECTION 5 PERSONNEL ADMINISTRATION

5.1 Standards of Personnel Administration

(a) The Medicaid agency has established and will maintain methods of personnel administration in conformity with standards prescribed by the U.S. Civil Service Commission in accordance with Section 208 of the Intergovernmental Personnel Act of 1970 and the regulations on Administration of the Standards for a Merit System of Personnel Administration, 5 CFR Part 900, Subpart F. All requirements of 42 CFR 432.10 are met.

☐ The plan is locally administered and State-supervised. The requirements of 42 CFR 432.10 with respect to local agency administration are met.

(b) Affirmative Action Plan

The Medicaid agency has in effect an affirmative action plan for equal employment opportunity that includes specific action steps and timetables and meets all other requirements of 5 CFR Part 900, Subpart F.
Revision: HCFA-AT-80-18 (BFP)
May 22, 1980
State: Maryland

5.2 [Reserved]
State: Maryland

Citation: 42 CFR Part 432, Subpart B, AT-78-90

5.3 Training Programs; Subprofessional and Volunteer Programs

The Medicaid agency meets the requirements of 42 CFR Part 432, Subpart B, with respect to a training program for agency personnel and the training and use of subprofessional staff and volunteers.

Supersedes: TN #77-5

Approval Date: 12-18-78
Effective Date: 2-27-78
SECTION 6  FINANCIAL ADMINISTRATION

6.1 Fiscal Policies and Accountability

The Medicaid agency and, where applicable, local agencies administering the plan, maintains an accounting system and supporting fiscal records adequate to assure that claims for Federal funds are in accord with applicable Federal requirements. The requirements of 42 CFR 433.32 are met.
6.2 **Cost Allocation**

There is an approved cost allocation plan on file with the Department in accordance with the requirements contained in 45 CFR Part 95, Subpart E.
6.3 State Financial Participation

(a) State funds are used in both assistance and administration.

☐ State funds are used to pay all of the non-Federal share of total expenditures under the plan.

☐ There is local participation. State funds are used to pay not less than 40 percent of the non-Federal share of the total expenditures under the plan. There is a method of apportioning Federal and State funds among the political subdivisions of the State on an equalization or other basis which assures that lack of adequate funds from local sources will not result in lowering the amount, duration, scope or quality of care and services or level of administration under the plan in any part of the State.

(b) State and Federal funds are apportioned among the political subdivisions of the State on a basis consistent with equitable treatment of individuals in similar circumstances throughout the State.
SECTION 7 - GENERAL PROVISIONS

Citation 7.1 Plan Amendments

42 CFR 430.12(c) The plan will be amended whenever necessary to reflect new or revised Federal statutes or regulations or material change in State law, organization, policy or State agency operation.
Citation
45 CFR Parts 80 and 84

7.2 **Nondiscrimination**

In accordance with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et. seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 70b), and the regulations at 45 CFR Parts 80 and 84, the Medicaid agency assures that no individual shall be subject to discrimination under this plan on the grounds of race, color, national origin, disability or age.

In addition, in accordance with Maryland State Law and policy, the Medicaid agency assures that no individual shall be subject to discrimination under this plan on the grounds of sex, religion, marital status, and sexual orientation.

The Medicaid agency has methods of administration to assure that each program or activity for which it receives Federal financial assistance will be operated in accordance with title VI regulations and State Law. These methods for title VI are described in ATTACHMENT 7.2-A.
Revision: HCFA-PM-91-4 (BPD)

AUGUST 1991

OMB No.: 0938-

State/Territory: Maryland

Citation 7.4 State Governor's Review
42 CFR 430.12 (b)

The Medicaid agency will provide opportunity for the Office of the Governor to review State plan amendments, long-range program planning projections, and other periodic reports thereon, excluding periodic statistical, budget and fiscal reports. Any comments made will be transmitted to the Health Care Financing Administration with such documents.

X Not applicable. The Governor –

X Does not wish to review any plan material.

☐ Wishes to review only the plan materials specified in the enclosed document.

I hereby certify that I am authorized to submit this plan on behalf of

State Department of Health and Mental Hygiene

(Designated Single State Agency)

Date: __________

（Signature）

Deputy Secretary Health Care Financing

(Title)

(Charles J. Milligan, Jr.)

TN # 11-06
Supersedes TN # 92-11

Approval Date JUL 29 2011
Effective Date APRIL 1, 2011
Title VI of the Civil Rights Act of 1964, Section 601 states that "no person in the United States shall on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." In addition to ensuring compliance with the Civil Rights Act of 1964, Section 601, EACU also monitors and ensures compliance with the Hill-Burton Act, Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; and the Omnibus Budget Reconciliation Act of 1981 (Block Grants).

The Secretary of the Department of Health and Mental Hygiene (DHMH), by law and policy, does not permit discrimination against anyone on the basis of race, color, national origin, age, religion, disability, gender identity, sex, or sexual orientation. This nondiscrimination policy applies to all facilities and programs operated directly by DHMH as well as to providers of health services who receive federal funds under Medicare Part A or Medicaid.

Anyone who believes that an act of discrimination has taken place in the areas of delivery of services, treatment procedures, or any other areas as defined in Title VI has the right to file a complaint and to receive a prompt investigation of the allegation(s). All federally funded programs must comply with the requirements and provisions of Title VI of the Civil Rights Act of 1964, Section 601.

The Equal Access Compliance Unit (EACU) is responsible for ensuring that all individuals receive nondiscriminatory delivery of services from all DHMH facilities and programs operated directly by the Department as well as providers of health services who receive federal funds under Medicare Part A, or Medicaid, regardless of race, color, national origin (including individuals who are Limited English Proficient), age, religion, disability, gender identity, sex or sexual orientation.

EACU monitors and audits DHMH programs operated directly by the Department and other providers of health care operating in the State of Maryland, who are receiving federal funds, to ensure that they do not deny or have the effect of denying qualified clients equal access to federally assisted health care, medical benefits and services for which such persons qualify. Anyone who believes an act of discrimination has taken place in the areas of delivery of services, treatment procedures, or other covered areas, may file a complaint with EACU or the U.S. Department of Health and Human Services (HHS), Office of Civil Rights.

TN #: 14-014  Supersedes TN # 11-09  Approval Date: MAR 02, 2015  Effective Date: October 1, 2014
POLICY ON EQUAL EMPLOYMENT OPPORTUNITY (EEO)

I. EXECUTIVE SUMMARY

Federal statutes and the Maryland Code of Fair Practices prohibit the practice of all forms of discrimination in employment based on non-merit factors. This policy implements the Equal Employment Opportunity program at the Department of Health and Mental Hygiene (DHMH) and ensures compliance with all applicable Federal and State laws and regulations. The policy further prohibits any unit of DHMH from conducting business with firms, institutions, or agencies that engage in workplace discrimination. All units of the Department as well as grant-in-aid programs, health services providers, and DHMH contractors/subcontractors that receive Federal or State funds are covered by this policy.

Each Deputy Secretary, Program Director, Facility CEO, Health Officer, unit head or supervisor of one or more employees shall ensure that a review of EEO practices is included as a component of the annual performance evaluation completed for each subordinate supervisor.

The Executive Director, OEOP, or designee has the following responsibilities:

- to develop, recommend, and monitor DHMH EEO policies and procedures to assure the Department is in compliance with Federal and State laws and regulations.
- to provide technical assistance to DHMH components in matters regarding EEO practices.
- where authorized, to act on behalf of the Secretary or Deputy Secretaries of DHMH to carry out the provisions and intent of this policy.
- to accept timely complaints and conduct on-site reviews, as necessary.
- to cooperate with Federal and State offices responsible for equal employment opportunity.
- to prepare an annual EEO report for all DHMH and submit it to the Maryland Commission on Human Relations (MCHR).
- to monitor all personnel transactions—hiring, promotions, transfers, reassignments, terminations, discipline, etc.—for EEO compliance.

All DHMH employees or employment applicants are advised that they may contact OEOP or alternative resources for information or questions regarding EEO, or to file a complaint.

II. BACKGROUND

DHMH Policy 02.06.04 supersedes and replaces the version dated July 15, 2005. The only significant change, which is administrative in nature, is renaming the Office of Community Relations (OCR) to Office of Equal Opportunity Programs (OEOP). The DHMH policy review process was waived.
III. POLICY STATEMENTS

A. AUTHORITY

Federal and State laws and regulations prohibit the practice of discrimination in employment. This prohibition applies to employment discrimination based on non-merit factors including race, color, national origin, age, religion, sex, disabilities, and any other non-merit factors. Authority for this policy is derived from the following mandates, but other laws and regulations may also apply:

1. Title VII of the Civil Rights Act of 1964, as amended, forbids employment discrimination based on race, color, religion, sex, and national origin;

2. The Age Discrimination in Employment Act of 1967 (ADEA) makes discrimination against employees for reasons of age illegal;


5. Title I and V of the Americans With Disabilities Act of 1990 prohibits discrimination based upon a disability.


B. SCOPE

1. This policy applies to all DHMH programs, facilities, independent units such as Boards and Commissions, Local Health Departments, grant-in-aid programs, health services providers, and DHMH contractors/subcontractors receiving Federal or State funds.

2. No component of DHMH shall conduct business with firms, institutions, service providers, or agencies that engage in unlawful discrimination.

C. ROLES AND RESPONSIBILITY

1. Each Deputy Secretary shall ensure that equal opportunity exists in all employment practices within the scope of his or her responsibility.

2. Each Deputy Secretary, Program Director, Facility CEO, Health Officer, unit head or supervisor of one or more employees shall ensure that a review of EEO practices is a component of the annual performance evaluation completed for each subordinate supervisor.

3. Each Program Director, Facility CEO, Health Officer, and unit head or supervisor of one or more employees shall follow the guidelines of this policy within his or her area of responsibility.

4. The Executive Director, OEO, is designated by the Secretary, DHMH, to have oversight responsibility for the following:
DHMH POLICY 02.06.04
OFFICE OF EQUAL OPPORTUNITY PROGRAMS

a. Develop, recommend, and monitor policies and procedures necessary for DHMH to be EEO compliant with Federal and State laws and regulations.
b. Provide technical assistance and advice on EEO practices to all DHMH components.
c. Monitor all personnel transactions- hiring, promotions, transfers, reassignments, terminations, discipline, etc. for EEO compliance.
d. Where authorized, act for the Secretary or Deputy Secretary in carrying out the provisions of this policy.
e. Accept timely complaints and conduct on-site reviews, as necessary.
f. Work in concert with the Maryland Commission on Human Relations (MCHR) and the Federal Equal Employment Opportunity Commission (EEOC) in the investigation of alleged discrimination.
g. Prepare and submit relevant reports to the Secretary and appropriate Federal and State agencies.

D. RESOURCES FOR OBTAINING SERVICE

1. DHMH OFFICE OF EQUAL OPPORTUNITY PROGRAMS-EMPLOYMENT EQUITY UNIT
The OEOP Employment Equity Unit attempts to quickly resolve employment discrimination disputes through mediation, investigation, and training; and to maintain a discrimination-free work environment for all employees within DHMH regardless of race, color, sex, religion, national origin, age, disability, or sexual orientation.

a. If you believe you have been discriminated against at DHMH, you may file a complaint with the Employment Equity Unit. Complaints must be filed within 30 days of the alleged discriminatory practice or act. Please call 410-767-6600 to schedule an appointment. All matters discussed in office will be kept confidential, except where a complaint is filed and served on management. If you decide to submit a written complaint after discussion with the Employment Equity Unit staff, they will assist you in completing the Fair Employment Practices Complaint Form.

b. You may choose instead to file a complaint with the Statewide EEO Coordinator at the Department of Budget and Management, the Maryland Commission on Human Relations, or the US Equal Employment Opportunity Commission. Please note that the filing deadlines vary.
http://www.dhmh.state.md.us/ocr/eeu/eeuhome.htm

2. DBM OFFICE OF THE STATEWIDE EEO COORDINATOR
The Office of the Statewide EEO Coordinator enforces the Governor's Code of Fair Employment Practices, which ensures equal employment opportunity for all State employees and applicants for State employment, and provides a means for resolution of employment discrimination complaints. DHMH employees may wish to file directly with this office. Complaints must be filed within 30 days of the alleged discriminatory practice or act.
3. **THE MARYLAND COMMISSION ON HUMAN RELATIONS (MCHR)**

Within 180 days of the employment decision you believe to have been discriminatory, call the MCHR at 410-767-8600 to set up an appointment or begin the process of filing a charge of discrimination.

**Maryland Commission on Human Relations**
6 St. Paul Street, 9th Floor,
Baltimore, MD 21201
410 767-8600
http://www.mchr.state.md.us/

4. **US EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)**

EEOC is responsible for employment discrimination on a Federal level. The agency is charged with enforcing Title VII of the Civil Rights Act of 1964, as amended, the Equal Pay Act (EPA), the Americans with Disabilities Act (ADA) of 1990 and the 1967 Age Discrimination in Employment Act (ADEA). Complaints must be filed within 300 days of the alleged discriminatory practice or act, or in some cases when you become aware of the alleged discriminatory practice or act.

**Equal Employment Opportunity Commission**
Baltimore District Office - 10 South Howard Street, 3rd Floor
Baltimore, Maryland 21201
410-962-3932
http://www.eeoc.gov/
II SERVICE NONDISCRIMINATION POLICY

I. EXECUTIVE SUMMARY

Discrimination is prohibited in the delivery of all services provided by the Department of Health and Mental Hygiene (DHMH). Furthermore, no component or agent of DHMH shall do business on behalf of the Department with entities that engage in discrimination.

The Federal and State statutes providing the authority for this policy are discussed and the basis on which the statutes prohibit discrimination are stated.

The responsibilities of the Deputy Secretaries, the Fair Practices Officer and DHMH employees are explained, and the guidelines for compliance with this policy are stated. Links to relevant online documents are also provided.

II. BACKGROUND

The DHMH Service Nondiscrimination Policy establishes the guidelines for the nondiscriminatory delivery of services by the Department. This version 01.02.01 recodifies, supersedes and replaces DHMH 02.06.01 dated June 29, 2007. The changes to this version are administrative in nature and include changing the codification number, changing the office name and updating references and hyperlinks.

III. POLICY STATEMENTS

A. AUTHORITY

In accordance with Federal and State mandates, DHMH prohibits discrimination in the delivery of services on the basis of race, sex, age, color, national origin, religion or belief, marital status, sexual orientation, genetic testing, political opinion or affiliation, and mental and/or physical disability based on, but not limited to, the following:

- Title VI, Civil Rights Act of 1964, as amended;
- Section 504, Rehabilitation Act of 1973;
- Age Discrimination Act of 1975;
DHMH POLICY 01.02.01 SERVICE NONDISCRIMINATION POLICY
OFFICE OF DIVERSITY AND INCLUSION (ODI) / EQUAL OPPORTUNITY PROGRAMS (EOP)

- Title II, Subtitle A of the Americans With Disabilities Act of 1990, as amended;
- Article 49B, Annotated Code of Maryland, as amended;
- COMAR 01.01.2007.16 Code of Fair Employment Practices;
- COMAR 01.01.2007.01 Standards of Conduct for Executive Branch Employees; and
- Other applicable Federal and State mandates that may include provisions on nondiscrimination in the delivery of services.

B. APPLICABILITY

1. This policy applies to all programs, activities and benefits operated or provided directly or indirectly by DHMH.

2. This policy also applies to all grant programs, health care providers, contractors and subcontractors that receive Federal or State Funds.

C. ROLES AND RESPONSIBILITIES

1. The Secretary hereby assigns each Deputy Secretary responsibility for ensuring the nondiscriminatory delivery of services by all programs directly or indirectly under his or her administration.

2. The Fair Practices Officer (or designee) shall have the following responsibilities:

   - Monitor and enforce DHMH compliance efforts to avoid discrimination;
   - Monitor policies and procedures necessary for compliance with applicable Federal and State mandates;
   - Provide staff assistance to the Secretary and Deputy Secretaries for enforcement of this policy;
   - Provide technical assistance and advice to staff in administrative and program units regarding the nondiscriminatory delivery of services;
   - Act for the Secretary or Deputy Secretaries, when authorized, to carry out the provisions of this policy;
   - Conduct on-site reviews, as necessary, to ensure nondiscrimination in the delivery of services;
   - Provide compliance training for DHMH staff; and
   - Prepare and submit relevant reports to the Secretary and appropriate State and Federal agencies;
DHMH POLICY 01.02.01  SERVICE NONDISCRIMINATION POLICY
OFFICE OF DIVERSITY AND INCLUSION (ODI) / EQUAL OPPORTUNITY PROGRAMS (EOP)

- Investigate complaints of discrimination covered by this policy.

3. All employees (including volunteers), vendors, contractors, subcontractors, agents, grantees and health care providers that receive Federal or State funds are responsible for compliance with the requirements of this policy.

D. COMPLIANCE

1. Employees shall act impartially in the delivery of services and not give preferential treatment to any private organization or individual. (COMAR 01.01.2007.01).

2. No employee shall refuse, withhold or deny service to any person because of race, sex, age, color, national origin, religion or belief, marital status, genetic testing, sexual orientation, political opinion or affiliation, or physical and/or mental disability.

3. Employees shall provide reasonable accommodations to individuals with disabilities to ensure an equivalent level of delivery of service.

4. Violation of these requirements is unlawful and is subject to disciplinary action, penalties or fines, as appropriate.

5. Employees who observe actual or possible discrimination in the delivery of services are encouraged to report the occurrence to the Fair Practices Officer at 410 767-6600 or OEOP@dhmh.state.md.us.

IV. REFERENCES

- Title VI, Civil Rights Act of 1964, as amended
  http://www.justice.gov/crt/grants_statutes/titlevi.txt

- Section 504, Rehabilitation Act of 1973
  http://www.hhs.gov/ocr/504.html

- Age Discrimination Act of 1975
  http://www.dol.gov/oeam/reps/statutes/age_act.htm

  http://www.ada.gov/adahom1.htm

- Annotated Code of Maryland, Article 49B, as amended

- COMAR 01.01.2007.01 Standards of Conduct for Executive Branch Employees
  http://www.dsd.state.md.us/comar/comarhtml/01/01.01.2007.01.htm

- COMAR 01.01.2007.16 Code of Fair Employment Practices
  http://www.dsd.state.md.us/comar/comarhtml/01/01.01.2007.16.htm
DHMH POLICY 01.02.01
SERVICE NONDISCRIMINATION POLICY
OFFICE OF DIVERSITY AND INCLUSION (ODI) / EQUAL OPPORTUNITY PROGRAMS (EOP)

APPROVED:

[Signature]

Joshua M. Sharfstein, M.D., Secretary, DHMH

March 7, 2011
Effective Date

This version DHMH 01.02.01 effective March 7, 2011 recodifies and supersedes DHMH 02.06.01 dated June 29, 2007.

TN No: 14-014 Approval Date: MAR 02 2015 Effective Date: October 1, 2014
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