



**SHERIDAN and TWIN BRIDGES MEDICAL CLINICS**  
**PBRHC Owned and Operated by RUBY VALLEY HOSPITAL**  
**POLICY & PROCEDURES**

**PATIENT NON DISCRIMINATION AND ADA POLICY**

The services provided by the SHERIDAN and TWIN BRIDGES MEDICAL CLINICS or any other operations it might in the future support, are available to all persons desiring those services regardless of the individual's race, color, sex, national origin, disability, religion, age, sexual orientation, inability to pay, whether payment of those services would be made under Medicare, Medicaid, or the Children's Health Insurance Program (CHIP).

The following policies:

- Non-Discrimination and Grievance Policy
- ADA Policy for Ruby Valley Hospital

Ruby Valley Hospital and Rural Health Clinics	Policy Number:
Policy Subject: <b>Non-Discrimination and Grievance Procedure</b>	Origination Date: 12/21/16
Department: Hospital Wide	Reviewed:

**Scope:** All visitors, customers, patients and employees of Ruby Valley Hospital.

**Purpose:** To outline Ruby Valley Hospital's policy prohibiting discrimination of any kind, and to establish an internal grievance procedure to promptly investigate and resolve any allegations of discrimination.

**Policy Statement(s):** As a recipient of Federal financial assistance, Ruby Valley Hospital does not exclude, deny benefits to, or otherwise discriminate against any person on the grounds of race, color, sex, national origin, disability, religion, age, or sexual orientation, in the admission to, participation in, or receipt of the services whether the Individual is able to pay or because payment for those services would be made under Medicare, Medicaid, or the Children's Health Insurance Program (CHIP), and benefits of any of its programs and activities or in employment therein, whether carried out by Ruby Valley Hospital directly or through a contractor or any other entity with whom Ruby Valley Hospital arranges to carry out its programs and activities. Furthermore, Ruby Valley Hospital has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging (1) violation of patient's rights or (2)



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discrimination on the basis of handicap as prohibited by Section 504 of the Rehabilitation Act of 1973.

**Procedure(s):**

A. The foregoing policy statement is in accordance with the provisions of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975 and Regulations of the U.S. Department of Health and Human Services issued pursuant to the Acts, Title 45 Code of Federal Regulations, Parts 80, 84 and 91.

B. If there are questions concerning this policy or in the event of a desire to file a complaint alleging violations of this policy, please contact either Ruby Valley Hospital's Office of Administration, (406) 842-5453 or: Office for Civil Rights, Region X, 2201 Sixth Avenue, Mail Stop RX-11, Seattle, WA. 98121, (206) 615-2290 -voice; (206) 615-2296-TDD

C. Section 504 states that "no otherwise qualified disabled individual ... shall, solely by reason of his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance..." The U.S. Department of Health and Human Services has issued regulations enforcing this law. These regulations may be examined in the Administrative offices of Ruby Valley Hospital. The Hospital Administrator is responsible for coordinating the efforts of Ruby Valley Hospital to comply with Section 504.

**D. Grievance Procedure:**

1. A grievance should be in writing, identify the complainant and briefly describe the alleged violation or discriminatory action.

2. The grievance should be filed in Administration at Ruby Valley Hospital within a reasonable time after the complainant becomes aware of the alleged event.

3. The complainant may be represented by an attorney or other party.

4. The Administrator, or his designee, shall conduct a prompt and appropriate investigation of the grievance to determine its merits. These procedures contemplate an informal, but thorough investigation, affording all interested persons (or their representatives) an opportunity to submit relevant evidence.



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5. The Administrator shall issue a written decision regarding the validity of the grievance no later than thirty (30) days after its filing.
6. Ruby Valley Hospital shall maintain the files and records of the grievance, the investigation and the written decision.
7. The complainant's right to the prompt and equitable resolution of a grievance filed under these procedures shall not prevent the complainant from seeking other remedies, such as filing a complaint with the Office for Civil Rights, U.S. Department of Health and Human Services. A complainant does not have to use these procedures before seeking other remedies.
8. These procedures shall be liberally applied to protect the substantial rights of interested persons, to meet appropriate due process standards and to assure hospital compliance with Section 504 and the regulations. U.S. Department of Health and Human Services; Office of Civil Rights; 2201 Sixth Avenue; M/S RX-11, Seattle, WA. 98121. Phone: (206) 615-2290-voice, (206) 615-2296-TDD.

**Reference(s):** 12.1.10; 12.1.11

Ruby Valley Hospital and RURAL HEALTH CLINICS	Policy Number:
Policy Subject: <b>Americans With Disabilities Act (ADA)</b>	Origination Date: 12/21/2016
Department: Hospital Wide	Reviewed:

**Scope:** All visitors, customers, patients and employees of Ruby Valley Hospital.

**Purpose:**

Establish an organization-wide policy to prevent discrimination against individuals with disabilities in the employment process at the Ruby Valley Hospital. The focus of this policy is the requirements under Title I, the employment section of the Americans with Disabilities Act (ADA). The Hospital is a covered employer under the ADA.

**Policy Statement:**



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It is the policy of the Hospital to take specific steps to ensure that individuals with disabilities do not experience discrimination in the employment process. Threatening, coercing, intimidating or otherwise interfering with someone's rights under the ADA is prohibited. The ADA specifically protects from retaliation individuals who oppose any act made unlawful by the ADA. In addition, any employee who makes a charge, testifies, or participates in any investigation covered under the ADA is protected from retaliation, intimidation and harassment.

Additionally, the District shall not deny access to public programs, activities or services to an individual with a covered disability. All supervisors of the District will become familiar with the provisions of the ADA and are expected to adhere to it when making employment decisions.

*Definition of Disability:*

Disability under the ADA is defined as: 1) A physical or mental impairment that substantially limits a major life activity; 2) A record of impairment; or, 3) Being regarded as having a covered impairment. Under this definition, a physical or mental impairment is not a disability unless its severity is to the extent that it substantially limits one or more major life activities, such as walking, seeing, hearing, speaking, working, etc. Also included in the definition is anyone who has a record of or has been misclassified as having a mental or physical impairment, which substantially limits one or more major life activities. The final inclusion under the term disability is those individuals who are regarded as having a covered impairment. This means that the impairment itself may not substantially affect a major life activity; however, if others view the impairment as substantially affecting a major life activity, the person is covered.

The ADA specifically excludes an individual who currently uses illegal drugs from coverage. However, someone who has successfully completed a supervised drug rehabilitation program or has otherwise been rehabilitated and no longer uses illegal drugs may be covered under the ADA.

**Procedures:**

A. Reasonable Accommodation: As an employer, the Hospital has an obligation to make reasonable accommodations. The Hospital will not base an employment decision on an individual's need for reasonable accommodation. Reasonable accommodation includes such things as making physical modifications to the facilities; providing equipment to assist in the performance of job duties; job restructuring; modifying work schedules; and reassignment to vacant positions. If an applicant or employee discloses a disability and requests accommodation, a



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dialogue should take place with the applicant/employee to determine what would be an appropriate and reasonable accommodation. The accommodation may not cause an undue hardship on the Hospital. If two or more options for reasonable accommodation are available, it is the District's right to choose the least expensive option. However, advancement of the person on the job and future needs as the person develops in the position should be taken into consideration when determining what an appropriate and reasonable accommodation is. The accommodations made should not limit an employee's opportunities for advancement.

B. Employment Related Physical and Psychological Examinations: Under the ADA, any pre-offer physical or psychological examination is prohibited. A job offer can be made on the condition that the applicant pass a physical and/or psychological examination if all entering employees in the same job category are subject to such an examination and/or inquiry regardless of disability. The job offer must first be made and it is essential to clearly state that the offer is contingent on the results of the exam. Under any circumstances, an examination must meet the test of job relatedness and be consistent with business necessity. This would also be the criteria for any post-employment exams.

C. Determination of Essential Job Functions: Determining essential job functions requires an analysis of the position to determine what functions are essential as a matter of business necessity. The supervisor will conduct this analysis under the direction of the Human Resources Department. Essential functions of each position will be determined before any recruitment is opened for a position. Essential job functions will be documented on job descriptions, recruitment matrixes, job announcements, etc.

E. Determination of Physical and Mental Requirements for the Job: Determining the physical and mental requirements of a job requires an analysis of the position to determine the physical and mental requirements of the various job duties and responsibilities. The supervisor will conduct this analysis under the direction of the Human Resources Department. These requirements will be determined before any recruitment is opened for a position. Physical and mental requirements will be documented on the ADA – Physical Activity Requirements (Attachment A) and ADA – Mental Activity Requirements (Attachment B) forms.

F. Pre-Employment Inquiries: The Hospital may inquire as to an applicant's ability to perform essential job related functions. Further, the Hospital may ask an applicant to describe or demonstrate how, with or without reasonable



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accommodation; the applicant will be able to perform essential job related functions.

G. Alcohol and Illegal Drug Usage: Current use of an illegal substance is not considered a disability under the ADA. However if someone currently uses illegal drugs and has another covered disability, that person would be covered under the ADA based on the other covered disability. As permitted by the ADA, the District prohibits employees from being under the influence of alcohol or illegal drugs at the work place. A drug or alcohol user will be held to the same qualification standards for employment or job performance and behavior standards as other employees. If an employee's substandard work performance or behavior is related to alcohol or illegal drug usage, that employee may be disciplined for the work performance and held to the same standards as other employees.

H. Positions Involving Food Handling: The ADA recognizes that persons with certain communicable diseases should not be employed in positions involving food handling. The Secretary of Health and Human Services has the responsibility for maintaining a list of diseases, which are transmitted through the handling of food. The District may refuse to assign or may discontinue assigning an individual with such a disease, to a job, which includes food handling.

I. Filing, Investigating and Resolving Complaints: The steps for filing, investigating and resolving a complaint under this policy will be the same as found in Ruby Valley Hospital's Policy # HR 3.2, Equal Employment Opportunity.

**Reference:**

The Americans with Disabilities Act