



2.3 NON-DISCRIMINATORY SERVICES

POLICY:

A Title X project must provide services in a manner that does not discriminate against any client based on religion, race, color, national origin, disability, age, sex, sexual orientation, gender identity, sex characteristics, number of pregnancies, or marital status. 42 CFR § 59.5(a)(4)

PROCEDURE:

Subrecipients must have written policies and procedures requiring services to be provided without regard to religion, race, color, national origin, disability, age, sex, sexual orientation, gender identity, sex characteristics, number of pregnancies or marital status, and to inform staff of this requirement on annual basis.

In accordance with the Office of Civil Rights, agencies contracted through the Title X ND FPP must comply with Section 1557 of the Affordable Care Act (ACA), which was enacted in 2010. Section 1557 is the nondiscrimination provision of the ACA, which prohibits discrimination based on race, color, national origin, sex, age, or disability in certain health programs or activities. This includes further protection for individuals under the following:

- Protecting individuals against Sex Discrimination
- Ensuring Meaningful Access for Individuals with Limited English Proficiency
- Ensuring Effective Communication with and Accessibility for Individuals with Disabilities
- Coverage of Health Insurance in Marketplaces and Other Health Plans

Quality family planning services are equitable, which includes providing high quality care to all clients, including adolescents, racial/ethnic minorities, lesbian, gay, bisexual, transgender, queer (LGBTQ) individuals, clients with limited English proficiency, and persons living with disabilities.

All Title X funded agencies must review and comply with Section 1557:
www.hhs.gov/sites/default/files/1557-final-rule-factsheet.pdf

Agencies must have the following at a minimum:

- Utilization of a gender inclusive comprehensive family planning history form
- Statement of nondiscrimination on major publications
- Notice of nondiscrimination available to clients
- Posted language access information

Documentation (e.g., in-service training, orientation checklist) must demonstrate that staff has been informed annually that services must be provided without regard to religion, race, color, national origin, disability, age, sex, sexual orientation, gender identity, sex characteristics, number of pregnancies, or marital status.



Observation of the service site must demonstrate that it is physically accessible to persons living with disabilities and is open at a time that is convenient to clients. It is recommended that hours include evenings and weekends when possible.

Educational materials are tailored to literacy, age, and language preferences of client populations and are available on-site.

Data from client surveys document that clients perceive providers and other clinic staff to offer services in a non-discriminatory manner.

RESOURCES:

<https://www.hhs.nd.gov/cfs/family-planning/grantees>

[North Dakota Family Planning | Department of Health \(nd.gov\)](#)

[Provider Obligations | HHS.gov](#)

[Conscience and Religious Nondiscrimination | HHS.gov](#)

[Religious Freedom | HHS.gov](#)