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**Rules of  
Department of Health  
and Senior Services  
Division 10—Office of the Director  
Chapter 2—Civil Rights Compliance**

| <b>Title</b>  | <b>Page</b> |
|---|-------------|
| <b>19 CSR 10-2.010</b> Civil Rights Compliance Requirements ..... | 3           |

**Title 19—DEPARTMENT OF  
HEALTH AND  
SENIOR SERVICES  
Division 10—Office of the Director  
Chapter 2—Civil Rights Compliance**

**19 CSR 10-2.010 Civil Rights Compliance Requirements**

*PURPOSE: This rule specifies civil rights compliance requirements for all health service providers and contractors who provide services for the Department of Health and for all hospitals and public health clinics that receive federal financial assistance or reimbursements for services provided.*

(1) The following definitions shall be used in the interpretation and enforcement of this rule:

(A) Applicant is any individual who applies for services from a covered recipient agency;

(B) Assurance is a contractual agreement in which a covered recipient agency legally agrees to administer programs and services in accordance with this rule;

(C) Civil rights requirements are the requirements of Title VI of the Civil Rights Act of 1964 (42 USC 2000d—2000d.6), Section 504 of the Rehabilitation Act of 1973 (P.L. 93-516), the Age Discrimination Act of 1975, Title II and Title III of the American Disabilities Act of 1990 and this rule;

(D) Complainant is any person or group of persons who allege discrimination on the basis of race, color, national origin, age, sex or disability in the delivery of health care services by a covered recipient agency;

(E) Complaint is a verbal or written allegation of discrimination which indicates that a health care service is provided in a manner that results in disparity of services to persons or groups of persons because of race, color, national origin, age, sex or disability;

(F) Compliance review is a review of a covered recipient agency conducted by the Department of Health and Senior Services (DHSS) to determine compliance with the requirements of this rule;

(G) Covered recipient agency is any facility operated primarily to provide health care services as a nonprofit or for-profit institution which receives federal reimbursements for the services provided; and

(H) Federal assistance is any United States government funding, reimbursement, property or aid which is given to a covered recipient agency to provide health care services or program benefits to clients or patients.

(2) The DHSS shall strive to assure that all public health care services and benefits are made available and provided to all eligible individuals without regard to race, color, national origin, age, sex or disability status.

(3) To eliminate duplication of civil rights compliance efforts, the DHSS and the Department of Social Services (DSS) shall follow a cooperative agreement negotiated by the two (2) departments designating the responsibilities and relationships of each agency in carrying out Title XIX (Medicaid) programs.

(4) Contractors who provide goods to DHSS are not subject to this rule.

(5) In all contracts for services, the DHSS shall include clauses regarding civil rights.

(A) A covered recipient agency shall comply with the civil rights requirements defined in subsection (1)(C) of this rule. A covered recipient agency will affirm compliance at the time of contract signing.

(B) A covered recipient agency which is a government entity and is receiving federal funds through DHSS shall have and maintain a personnel merit system.

(C) A covered recipient agency which employs fifteen (15) or more persons shall designate an employee to coordinate civil rights efforts.

(D) A covered recipient agency which receives or contract(s) with DHSS and employs fifty (50) or more persons shall implement an affirmative action program that complies with the civil rights requirements.

(E) Each covered recipient agency shall implement a public notification system which encourages participation and informs all potential participants, particularly minorities, of the availability of its programs.

(F) Each covered recipient agency shall print in easily read type on all public program communications this statement: Eligibility criteria for acceptance and participation in this program are administered on a nondiscriminatory basis regardless of race, color, national origin, age, sex or disability.

(G) Each covered recipient agency shall maintain a system for collecting racial/ethnic participation data. This data shall include the number of recipients of services and shall be acceptable to DHSS.

(H) Each covered recipient agency shall display DHSS-approved nondiscrimination posters and policy statements in all facility areas frequented by employees, applicants and recipients of services.

(I) Each covered recipient agency shall display notices of the availability of complaint

procedures and have appropriate guidelines in place for referring civil rights complaints and complainants to the DHSS for review and resolution. The DHSS shall notify the appropriate federal agency of the receipt of a complaint if that notification is required.

(J) Each covered recipient agency shall make reasonable accommodations for handicapped applicants and recipients of services including, but not limited to, provision of appropriate auxiliary aids to persons with impaired sensory or speaking skills, parking and access to the facility for the disabled, and removal of barriers to accessibility if the removal is readily achievable.

(K) If the covered recipient agency uses any funds from DHSS and contracts in a sub-contract, the contractor shall require the sub-contractor to comply with subsections (5)(A)–(L) of this rule.

(L) The DHSS shall have the right to enforce all applicable clauses in subsections (5)(A)–(K) of this rule by appropriate and reasonable procedures including, but not limited to, requests, reports, site visits and inspection of relevant documentation of the contractor.

(6) Periodically the DHSS shall assess the compliance level of covered recipient agencies by conducting a desk audit or on-site review on randomly selected agencies. An on-site civil rights compliance review shall be performed by the DHSS when there is evidence of substantial noncompliance as shown by a desk audit or a complaint investigation.

(7) If the contractor fails to comply with the terms of the civil rights assurance in the contract, DHSS shall terminate the contract. Prior to termination of a contract, DHSS shall give fifteen (15) days' notice to the contractor specifying the reasons why the department believes the contractor is not in compliance and shall provide the contractor an opportunity to show compliance with the contract. The contractor may request a conference with DHSS during this period. The request shall be in writing to the director of the DHSS.

*AUTHORITY: Governor's Executive Order 87-6 and section 536.023.3., RSMo 2000.\* Original rule filed Sept. 8, 1992, effective April 8, 1993. Amended: Filed April 15, 2002, effective Oct. 30, 2002.*

*\*Original authority: Executive Order 87-6, RSMo 1987 and 536.023.3., RSMo 1975, amended 1976, 1997.*