

# DHMH POLICY

<http://dhmh.maryland.gov/SitePages/op02.aspx>

OFFICE OF EQUAL OPPORTUNITY PROGRAMS (OEOP) DHMH POLICY 01.02.01

Effective Date: February 22, 2016

## 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 supersedes and replaces the March 7, 2011 version. The changes to this version are administrative in nature and include updating terminology relating to protected bases in order to reflect current practice 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, ancestry, creed, religion or belief, marital status, sexual orientation, gender identity and expression, genetic testing, , 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;

**Department of Health & Mental Hygiene**

OFFICE OF REGULATION AND POLICY COORDINATION (ORPC)

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- Title II, Subtitle A of the Americans With Disabilities Act of 1990, as amended;
- State Government Article, Title 20, Annotated Code of Maryland;
- 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;
- 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, ancestry, creed, religion or belief, marital status, genetic testing, sexual orientation, gender identity and expression, 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 dhmh.oeop@maryland.gov.

#### **IV. REFERENCES**

- Age Discrimination Act of 1975  
[http://www.dol.gov/oasam/regs/statutes/age\\_act.htm](http://www.dol.gov/oasam/regs/statutes/age_act.htm)
- Annotated Code of Maryland, State Government Article, Title 20  
<http://mgaleg.maryland.gov/webmga/frmStatutesText.aspx?article=gsg&section=20-101&ext=html&session=2015RS&tab=subject5> State Government Article, Title 20.
- 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>
- Section 504, Rehabilitation Act of 1973  
<http://www.hhs.gov/ocr/504.html>
- Title II A, The Americans with Disabilities Act of 1990, as amended.  
[http://www.ada.gov/2010\\_regs.htm](http://www.ada.gov/2010_regs.htm)
- Title VI, Civil Rights Act of 1964, as amended  
[http://www.justice.gov/crt/grants\\_statutes/titlevi.txt](http://www.justice.gov/crt/grants_statutes/titlevi.txt)

**APPROVED:**



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Van T. Mitchell, Secretary, DHMH

**February 22, 2016**  
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