

CAROLINA FAMILY HEALTH CENTERS, INC.

PROCEDURE

TITLE: EXEC-306.05 Nondiscrimination on the Basis of Disability

EFFECTIVE DATE: January 6, 2025

SECTION: Executive

REFERENCE POLICY: EXEC-306 Nondiscrimination Position Statement

RESPONSIBLE CHIEF OF STAFF: Chief Executive Officer

RESPONSIBLE COMMITTEE: Central-Executive

REVIEWED:

I. PURPOSE

The purpose of this procedure is to ensure that clinical staff at Carolina Family Health Centers, Inc. (CFHC, Inc.) do not deny or withhold treatment from a person with a disability as regulated by the Department of Health and Human Services, Section 504 of the Rehabilitation Act of 1973, 45CFR Part 84, Nondiscrimination on the Basis of Disability in Program or Activities Receiving Federal Assistance.

II. PROCEDURE

No qualified individual with a disability, shall on the basis of disability, be subjected to discrimination in medical treatment under any program or activity at CFHC, Inc. Clinical staff may not deny or limit medical treatment to a qualified individual with a disability when the denial is based on:

1. Bias or stereotype about the patient's disability,
2. Judgements that the patient will be a burden on others due to their disability, including but not limited to the caregiver, family, or society; and
3. A belief that the life of a person with a disability has lesser value than the life of a person without a disability or that life with a disability is not worth living.

Where a qualified patient with a disability or their authorized representative seeks or consents to treatment for a separately diagnosable symptom or medical condition (a condition separate from the disability or causally related to the disability), clinical staff may not deny or limit clinically appropriate treatment if it would be offered to a similarly situated patient without an underlying disability.

Clinical staff may not, on the basis of disability, provide medical treatment to a patient with a disability where it would not provide the same treatment to an individual without a disability unless the disability impacts the effectiveness, or ease of administration of the treatment itself, or has a medical effect on the condition to which the treatment is directed.

This procedure does not require the provision of medical treatment when the clinician has a legitimate, nondiscriminatory reason for denying or limiting the service or where the disability renders the individual not qualified for treatment. This may include circumstances in which the clinician typically declines to provide the treatment to any individual, or reasonably determines

based on current medical knowledge or best available objective evidence, that such medical treatment is not clinically appropriate for a particular individual.

CFHC, Inc. and its staff may not discriminate in admission or treatment against an individual with a substance or alcohol use disorder who has a medical condition, because of the substance or alcohol use disorder.

CFHC, Inc. and its staff shall not discriminate against patients with a history of illegal drug use and who have successfully completed a supervised drug rehabilitation program or otherwise been rehabilitated successfully, are participating in a supervised rehabilitation program, or are erroneously regarded as engaging in such use.

CFHC, Inc. cannot exclude patients from programs that would benefit them based on their current illegal drug use, however, this does not mean that CFHC, Inc. cannot deny participation in a treatment program if the patient continues to engage in illegal drug use while they are in the program. The rule also does not prohibit drug testing to ensure that patient is engaged in care and are not using illegal drugs.

CFHC, Inc. and its staff are not obligated to provide services to patients with disabilities that pose a significant risk to the health and safety of others that cannot be eliminated by a modification in policy, practice, or by the provision of auxiliary aids or services. When staff encounter patients that pose a threat, they notify management immediately of the situation and complete an incident report. Refer to *RM-101 Incident Reporting*.