

# PATIENT RESTRICTED

Coalinga State Hospital

OPERATING MANUAL

SECTION – HUMAN RESOURCES  
ADMINISTRATIVE DIRECTIVE NO. 911  
(Replaces A.D. No. 911 dated 5/11/06)

Effective Date: February 8, 2007

## SUBJECT: DISABILITY DISCRIMINATION

### I. PURPOSE

To provide Individuals an environment that is free of discrimination. This Administrative Directive provides for a prompt and equitable resolution of complaints by Coalinga State Hospital (CSH) individuals alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990.

### II. AUTHORITY

Section 504 of the Rehabilitation Act of 1973, Department of Health and Human Services (DHHS) Section 504, regulation at 45 Code of Federal Regulations (CFR) Part 84; Americans with Disabilities Act of 1990, regulation at CFR 35.130; Department of Mental Health (DMH) Special Order 426.02; and by order of the Deputy Director, Long Term Care Services.

### III. POLICY

Discrimination based upon disability is strictly prohibited. It is the policy of DMH and CSH not to discriminate on the basis of disability.

### IV. METHOD

- A. The Director has designated the Office of Human Rights to coordinate the efforts of DMH to comply with the regulations implementing Section 504 of the Rehabilitation Act and the Americans with Disabilities Act. The Chief, Office of Human Rights, is the designated Disability Complaint Coordinator at DMH headquarters. The Equal Employment Opportunity (EEO) Officer is designated as the Disability Complaint Coordinator at CSH.
- B. Disability Training and Education for CSH Individuals and Employees
  - 1. All current CSH staff has received training regarding compliance with Section 504 of the Rehabilitation Act and related departmental policies and procedures.
  - 2. New CSH employees will receive training regarding compliance with Section 504 of the Rehabilitation Act and related departmental policies and procedures during New Employee Orientation.

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3. All current CSH Individuals have been informed of their right to file a discrimination complaint and the procedures for doing so. This information is posted in all individual occupied areas.
4. New CSH Individuals will be provided with information regarding their right to file a discrimination complaint and the procedures for doing so in their admission packets.

## C. Filing Discrimination Complaints

1. Individuals should utilize the standard patient complaint procedure through the Patient Rights Advocate (PRA). The PRA will forward complaints of discrimination to the EEO Officer as appropriate.
2. The EEO Officer shall be responsible for evaluating discrimination complaints and determining whether they meet EEO jurisdictional requirements, which includes meeting with the Individual to clarify any issues if necessary. If any complaint does not meet EEO jurisdictional requirements, it will be referred back to the PRA for follow-up as necessary.
3. The EEO Office shall conduct any necessary inquiries or investigations related to the complaints. The investigation may be informal, but must be thorough, affording the complainant and other interested persons an opportunity to submit evidence relevant to the complaint through witnesses, documents, and exhibits. Individuals shall be provided with a letter of findings after completion of the inquiry or investigation.
4. The EEO Officer shall make appropriate arrangements to ensure that individuals with disabilities can participate in the investigation process. Such arrangements may include, but are not limited to, the provision of interpreters for the deaf, providing taped cassettes of material for the blind, and ensuring a barrier-free location for any meetings or proceedings.
5. The departmental disability discrimination complaint process does not preclude the individual who believes he or she has been discriminated against from simultaneously filing a complaint of discrimination on the basis of disability with the U.S. Department of Health and Human Services, Office for Civil Rights, 50 United Nations Plaza, Room 322, San Francisco, California 94102; Telephone: (800) 368-1019; TDD: (800) 537-7697; or any agency charged with enforcing laws prohibiting discrimination.

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## D. Appeals:

The EEO Officer shall include appeal information in the letter of findings sent to the Individual after completion of the inquiry or investigation. Individuals who are not satisfied with the results of an EEO inquiry or investigation may file an appeal in writing to the U.S. DHHS, Office for Civil Rights. The U.S. DHHS allows 180 days from notice of a decision to file with their office.

## V. DEFINITIONS:

- A. Individual: The person (e.g., patient, client) who is receiving services at CSH.
- B. The nondiscrimination requirements of Section 504 of the Rehabilitation Act apply to employers and organizations that receive financial assistance from any federal department or agency, including the U.S. DHHS. Section 504 forbids organizations and employers from excluding or denying individuals with disabilities an equal opportunity to receive program benefits and services. It defines the rights of individuals with disabilities to participate in, and have access to, program benefits and services. The Americans with Disabilities Act states: "No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity."
- C. Persons with Disabilities:
  - 1. Qualified persons with disabilities are protected from discrimination. Persons with disabilities are defined as having a physical or mental impairment which substantially limits one or more major life activities. People who have a history of, or are regarded as having a physical or mental impairment that substantially limits one or more major life activity, are also covered. Major life activities include but are not limited to caring for one's self, walking, seeing, hearing, speaking, breathing, working, performing manual tasks, and learning.
  - 2. It is against the law to retaliate against anyone who files a complaint or cooperates in the investigation of a complaint.



W. T. VOSS  
Executive Director

### Cross Reference(s):

DMH Special Order 426.02 Disability Discrimination  
DMH Policy Directive 202 Disability Discrimination