

# CULTURAL COMPETENCY & NON-DISCRIMINATION TRAINING

Promoting Excellence  
Through Training  
2024

# Overview

## Learning Objectives



DentaQuest does not discriminate against members, providers or employees on the basis of race, color, birthplace, language, sex, religion, beliefs, age, or disability.

The purpose of this training is to provide instruction on the federal and state regulations which prohibit discrimination in programs and activities that are funded by federal and state dollars.

This training is not legal advice and does not cover every issue related to civil rights compliance. You should consult an attorney about your specific circumstances and obligations.

# Commitment to a Diverse and Inclusive Culture

DentaQuest is committed to a culture that is diverse and inclusive.

Discrimination is a direct action, whether purposeful or not, that results in unequal treatment of people. It is not allowed due to a Person's:

- **Race, Color, or National Origin** (Title VI of the Civil Rights Act of 1964 (“Title VI”), T. C. A. § 71-5-119, and T. C. A. § 4-21-904)
- **Disability** (Sections 504 and 508 of the Rehabilitation Act of 1973 (“Sections 504 and 508”) and Americans with Disabilities Act of 1990 (“ADA”))
- **Sex and Blindness/Visual Impairment** (Title IX Education Amendments of 1972 (Title IX”))
- **Age** (Age Discrimination Act of 1975)
- **Race, Color, National Origin, Age, Disability, Sex, (Section 1557 of the Affordable Care Act (“Section 1557”))**

# Two Different Forms of Discrimination:

## 1. Intentional (Disparate Treatment) Discrimination:

Persons who are from the same group are treated differently than people who are not from that group. The different treatment was motivated by an intent to discriminate.

## 2. Disparate Impact (Effects) Discrimination:

A procedure or practice has a disparate (unequal) impact on protected individuals and the procedure or practice lacks a legitimate reason

# Understanding Member and Provider Rights

- A person who is a beneficiary (member) or a participant (provider) in a program that receives federal funds cannot be denied services or benefits, simply because of his or her:
  - Race,
  - Color,
  - National Origin,
  - Disability,
  - Sex, Age, or
  - Other Protected Status
- A person can be denied benefits and/or services if they do not meet the eligibility requirements. This is not unlawful or a form of discrimination

# Understanding Member and Provider Rights (cont.)

Because of a Person's Race, Color, National Origin, Disability, Sex, Age, Creed, Religion, or other protect status

## **He or She CANNOT:**

- Be denied or delayed any service, aid or other benefit
- Be subjected to segregation or unequal treatment in a program.
- Be given services in humiliating or embarrassing ways
- Be provided services using different rules to decide who will get help
- Be limited in the use of buildings, rooms or other space in a way that denies them participation or access
- Be denied access to a service because buildings or facilities are not physically accessible to those with disabilities or because there was no means of effective communication with program, the service provider, or DentaQuest

# What does Unequal Health Care Look Like?

- A patient who uses a wheelchair is examined by a doctor in the wheelchair because the patient could not get on the exam table

What should the doctor do to avoid this situation?

- Obtain accessible equipment, such as, an adjustable exam table and/or a ceiling or floor-based patient lift; and
- Train staff on proper patient handling techniques to provide equal medical services to a patient with a disability

# Cultural Competency

DentaQuest works with you, our network provider, to decrease discrimination by focusing on Cultural Competency in Health Care.

**“Cultural Competency”** in Health Care is defined as: effective integration and transformation of knowledge about groups and individuals into specific standards, policies, practices and attitudes which can be implemented into appropriate settings to increase the quality of health care, thereby producing better health outcomes for all.





# Cultural Competency (cont.)

**Cultural competency** is rooted in mutual respect, validation and openness towards someone with different social and cultural perceptions and expectations than your own. This means you must be:

- Knowledgeable about cultural differences and their impact on health beliefs, practices, and behavior on the part of the member, staff, and the provider;
- Sensitive, understanding, non-judgmental, and respectful in dealings with people whose cultures are different from your own; and
- Flexible and skillful in responding and adapting to different cultural contexts and circumstances.



# Work to Ensure Cultural Competency by:

1. Ensuring that members and patients receive effective, understandable, and respectful care.
2. Implementing strategies to recruit, retain, and promote a diverse staff that represent the demographics of the service area at all levels of your organization.
3. Ensuring that staff receive training in culturally and linguistically appropriate service delivery.
4. Offering and providing language assistance services at no extra charge to members.

# Work to Ensure Cultural Competency by:

5. Providing written notices to members and patients in their preferred language.
6. Assuring the competence of language assistance by utilizing interpreters and bilingual staff. This enables you to:
  - Ensure complete, accurate, impartial, and confidential communication; and
  - Avoid family, friends or other relatives serving as interpreters.
7. Ensuring that appeal, complaint and grievance resolution processes are culturally and linguistically sensitive in an effort to identify, prevent, and resolve cross-cultural conflicts or complaints by members.
8. Ensuring diversity and suitability of the DentaQuest provider network.

# Strategies for Cultural Interactions

When working with those whose beliefs, standards and codes of behavior are different, consider the following:

- **Respect** all members as individuals, then as members of a minority status and of a specific ethnic group.
- **Never assume** that a person's ethnic identity tells you anything about his or her cultural values or patterns of behavior.
- **Treat all “facts”** you have heard or read about cultural values and traits as hypotheses, to be tested anew with each member.
  - Turn facts into questions.
- **Listen** with empathy and care for what the member is saying.
  - Explain your perception of the problem or question to make sure that you both are understanding the situation the same way.



# Definitions You Need to Know:

**Racial Discrimination:** treating a person or group of people differently based on their racial origins.

- For racial discrimination to occur, power is a necessary precondition; and
- Racial discrimination depends on the ability to give or withhold social benefits, facilities, services, opportunities etc., from someone who should be entitled to them, and are denied on the basis of race, color or national origin.

**Limited English Proficiency (LEP):** the inability to speak, read, write, or understand the English language at a level that permits an individual to interact effectively with staff in accessing public services and benefits.

# Additional Definitions You Need to Know:

**Prejudice:** a pre-formed opinion, usually an unfavorable one, based on insufficient knowledge, irrational feelings, or inaccurate stereotypes

- Prejudice can be prejudgment for or against an individual, a group or an object; and
- Synonyms of prejudice: narrow-mindedness, intolerance, unfairness.

**Discrimination:** treatment that favors one individual, group or objective over another.

**Racism:** any action or attitude, conscious or unconscious, that subordinates an individual or group based on skin color or race.

- Racism can be enacted individually (by single individuals) or institutionally (by all members of an institution).

# Additional Definitions You Need to Know:

## Disability:

- A physical or mental impairment that substantially limits one or more major life activities of a person;
- A person's record of having an impairment; or
- Being regarded as having an impairment

# Title VI of The Civil Rights Act of 1964

- States are subject to **Title VI of the Civil Rights Act of 1964** as both a Federal and a State Law. Title VI prohibits discrimination on the basis of race, color or national origin in programs or activities that receive federal financial assistance.
- Eligible Medicaid members cannot be denied assistance because of race, color or national origin.
- Entities receiving financial assistance shall not do any of the following based on protected status:
  - Deny an individual a service, aid or other benefit.
  - Provide a benefit, etc. that is different or is provided in a different manner.
  - Subject an individual to segregation or separate treatment.
  - Restrict an individual in the enjoyment of benefits, privileges, etc.
  - Treat an individual differently when determining eligibility.
  - Select sites or locations of facilities that exclude protected individuals.



# The Rehabilitation Act of 1973



**Section 504 of The Rehabilitation Act of 1973** is a Federal Law that protects qualified individuals from discrimination based on their disabilities. These nondiscrimination requirements apply to employers and organizations that receive financial assistance from any federal department or agency.

## Section 504:

- Forbids organizations and employers from excluding or denying individuals with disabilities an equal opportunity to receive program benefits and services.
- Defines the rights of individuals with disabilities to participate in, and have access to, program benefits and services.

# Title II of The ADA



## Title II of The Americans with Disabilities Act, as amended (ADA)

provides comprehensive civil rights protections and prohibits discrimination on the basis of disability in the services, programs or activities of all state and local governments.

**Disability** is defined as a physical or mental impairment that substantially limits a person's major life activities.

- “Physical and Mental Impairment,” includes, but is not limited to, visual, speech and hearing impairments, mental retardation, emotional illness, specific learning disabilities, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, orthopedic conditions, cancer, heart disease, diabetes, and contagious and non-contagious diseases such as tuberculosis, and HIV diseases (whether symptomatic or asymptomatic).

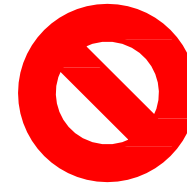
## Do's & Don'ts for Compliance with the disability discrimination laws

### DO:



- Provide services, programs and activities in an integrated setting.
- Make reasonable changes to policies, practices and procedures to avoid discrimination on the basis of disability.
- Provide auxiliary aids to individuals with disabilities (e.g., qualified interpreters, materials in Braille).

### DON'T:



- Refuse to allow a person with a disability to participate in or benefit from services, programs or activities.
- Provide services to individuals with disabilities through programs that are separate or different unless the programs ensure the benefits and services are equally effective.

# LCAS - Limited English Proficiency

In accordance with ACA requirements - provide information in a culturally competent manner to all individuals, including those with LEP or reading skills, and diverse cultural and ethnic backgrounds.

- All vital documents requiring a member or patients' signature must be interpreted in full detail or a translated version must be supplied;
- Have bilingual staff in departments that have direct contact with members and patients (e.g., Spanish, Creole, Mandarin); and

All providers should be aware that all language services provided by DentaQuest are at no cost to all DentaQuest members.

DentaQuest is required to monitor and ensure compliance with all Title VI requirements.

## If you need to use an interpreter during an interaction with a DentaQuest member:

- Don't say anything that you do not want interpreted.
- Speak slowly, clearly and in a normal tone of voice.
- Ask one question at a time.
- Speak in short simple sentences, pausing to permit the interpretation.
- Use simple words to express your meaning.
- Allow the person doing the interpreting to stop you and seek clarification when necessary.
- Look for signs of comprehension, confusion, agreement, or disagreement from the person you are communicating with.
- Be prepared to repeat yourself in different words if your message is not understood.
- If you suspect that your message is not fully understood by either the person doing the interpreting or the person you are communicating with, double check to see if she/he understands.

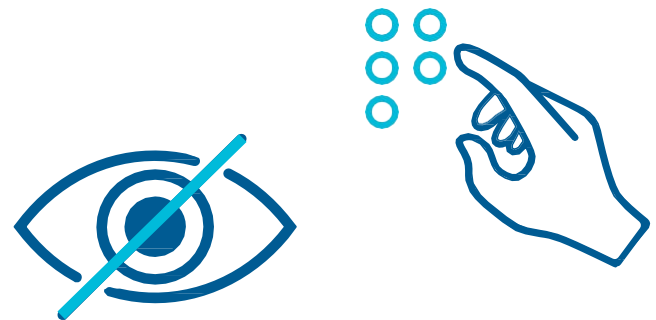
# Language & Communication Assistance Services

It is important to note that language and communication assistance services (“LCAS”) must be provided for free to members who are protected under Sections 504 and 508, Section 1557, the ADA, and Title VI.

This includes members who are blind, visually impaired, and/or deaf.

Examples of LCAS include:

- Qualified Interpreters;
- Accessible formats;
- Large print documents; and
- TRS, SRS and VRS phone lines.



# LCAS - Auxiliary Aids (ADA, Section 504, Section 1557)

Individuals with disabilities may need **auxiliary aids and services** in order to effectively communicate with others.

A few common forms of auxiliary aids or services are:

*Large print materials/documents, handwritten notes, telecommunication relay service calls, and qualified interpreters.*

Qualified interpreters are able to interpret effectively, accurately, and impartially using any necessary specialized vocabulary, such as, medical terms needs for effective American sign language communication

# Providing Auxiliary Aids or Services

- In order to provide equal access to programs' services and benefits auxiliary aids and services are required to be provided when necessary to ensure effective communication. The next several slides contain guidance on the provision of auxiliary aids or services.
- The type of auxiliary aid or service needed to effectively communicate with a person will depend on the person you need to communicate with;
- The reason for, the length of, and complexity of the communication involved; and
- The situation in which the communication is taking place
- **\*\* Remember:** The type of auxiliary aid or service needed can change during a conversation or service encounter



# Providing Auxiliary Aids or Services

- In order to be effective, auxiliary aids and services must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability

For Example:

- A hospital emergency room must be able to communicate with patients about symptoms and patients must be able to understand information provided about their conditions and treatment. In this situation, an interpreter is likely to be necessary for communications with individuals who are deaf.
- **\*\*\*Remember this is an interactive process with the individual who needs/is requesting an auxiliary aid or service. In determining what if any types of auxiliary aids and services are necessary, give primary consideration to the requests of the individuals with disabilities.**

# Telecommunications Relay Service

You may receive a Telecommunications Relay Service (“TRS”) call from an individual with a disability.

A TRS call is also known as a relay call. TRS is a telephone service that allows persons with hearing or speech disabilities to place and receive telephone calls. Relay calls use operators often called communications assistants to assist with the calls.

Further information and instructions about how to make and receive TRS calls can be provided by the Federal Communications Commission at:

<http://www.fcc.gov/guides/telecommunications-relay-service-trs>

# Sensitive Use of Language Guidelines

It is DentaQuest's practice to follow and recommend specific sensitive language guidelines when speaking to members and patients.

Examples of implementing this practice include:

- Avoid referring to a disability unless it is relevant;
- Avoid sensationalizing a disability by saying, “a victim of,” “afflicted with,” etc. Instead say something like “a person who has...”;
- Avoid emotional descriptions. For example, say “uses a wheelchair” rather than “confined to a wheelchair”;
- Avoid labeling and grouping people as “the disabled,” “a paraplegic,” etc. Instead say, “people with disabilities,” or “a person who has paraplegia.” (Note that words “disabled,” “blind,” and “deaf,” are adjectives, not nouns); and
- Do not assume that a person with a speech impediment has some sort of mental limitation.

# Sensitive Use of Language Guidelines

Avoid portraying successful people with disabilities as remarkable, superhuman, or inspirational. This implies that it is unusual for people with disabilities to have talents or skills.

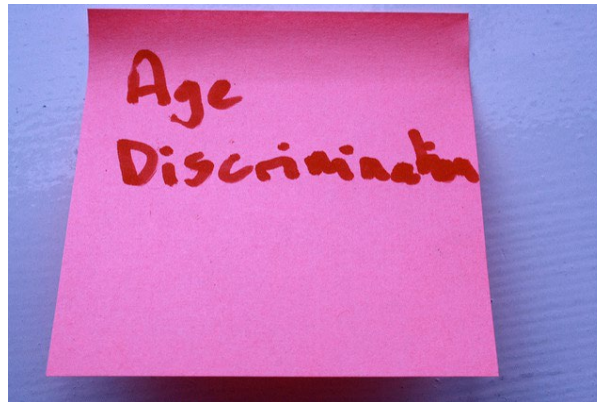
Avoid the word “special” in regard to a disability, as in “special entrance” or “special transportation.” Instead, say “accessible entrance” and “lift-equipped buses.” The word “special” serves to segregate rather than integrate people with disabilities.

Avoid using an over-familiar tone in referring to people with disabilities. A person with a disability deserves the same courtesy of address and references as a non-disabled person. A person with a disability, for example, is often referred to or addressed on a first name basis when their non-disabled peers in similar contexts would not be.

# The Age Discrimination Act of 1975

**The Age Discrimination Act of 1975** is a Federal law that prohibits discrimination on the basis of age in programs and activities receiving federal financial assistance.

The Act does allow for certain exceptions or waivers that permit, under limited circumstances, use of age distinctions. For example: Federal and local governments can enact statutes which provide benefits for target groups in age-related terms.



# Federal Health Care Conscience Protection Statutes

**Federal regulations require that no entity receiving funds provided by the U.S. Department of Health and Human Services may require to perform or assist in performing health services, health research, or health education if that activity would be contrary to the practitioner's religious beliefs or moral convictions.**

The statutory requirements are found in the Federal Health Care Conscience Protection Statutes:

- The Public Health Service (PHS) Act Sec. 245 (42 U.S.C. 238n);
- The Weldon Amendment (Consolidated Appropriations Act 2008, Public Law 110-161, Div. G, Sec. 508 (d), 121 Stat. 1844, 2209); and
- The Church Amendments (42 U.S.C. 300a-7).

DentaQuest policy of non-discrimination includes compliance with these provisions in recruiting, selecting, and maintaining providers to participate in our networks and render services to our members.

# Health Care Literacy

DentaQuest is committed to supporting Health Care Literacy for all members

Literacy is defined as a person's ability to read, write, speak and compute and solve problems at levels necessary to:

- Function on the job and in society;
- Achieve one's goals; and
- Develop one's knowledge and potential.

The term illiteracy means being unable to read and write. A person who has limited or low literacy skills is not illiterate.

Health care literacy is the degree to which individuals have the capacity to obtain, process and understand basic health information and services needed to make appropriate health decisions.

# Health Care Literacy

Health care literacy affects an individual's ability to:

- Navigate the healthcare system;
- Independently complete necessary documents relevant to their care (e.g., permission to release personal health information);
- Locate providers and services;
- Share personal information, such as health history, with providers;
- Engage in self-care (i.e., adhering to instructions for prescription and over the counter drugs) and adhere to treatment plans for acute situations and chronic-disease management; and
- Understand mathematical concepts that are applicable to probability and risk as related to incidence of disease and prognosis of outcomes of medical treatment plans.



# Sexual Harassment

Sexual Harassment is not allowed.

- Sexual harassment occurs in the speech or conduct of individuals and does not occur exclusively between persons of the opposite sex. Sexual harassment also occurs between individuals of the same gender.

There are 3 main forms of sexual harassment:

- 1) Quid-Pro-Quo Sexual Harassment
- 2) Hostile Environment Sexual Harassment
- 3) Third Party Sexual Harassment

# Quid-Pro-Quo Sexual Harassment

Quid-Pro-Quo sexual harassment is defined as any unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual nature, when:

- (1) Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of an individual receiving a service or benefit.
- (2) Submission to or rejection of such conduct is used as a basis for decisions affecting the individual who is the victim of the harassment.

# Hostile Environment Sexual Harassment

- This form of sexual harassment is deliberate, unwelcome, or repeated offensive comments, gestures, and/or physical contact of a sexual nature, that is imposed on individuals in the place or environment where they receive his/her services or benefits. A hostile or offensive environment is also defined as certain pictures, posters, or graffiti that is located or found in the environment.
- Examples of the types of conduct that could constitute sexual harassment are: use of obscene word(s) or language; deliberate touching of another person in a sexual manner; requesting dates from employees; telling off color jokes; displaying pictures of nudes or nearly nude individuals or of individuals in suggestive poses; and displaying or distributing writings or clippings from periodicals that contain such pictures or words.

# Third Party Sexual Harassment

- This form of sexual harassment, more commonly known as "sexual favoritism," is when employment opportunities or benefits are granted to an individual for submitting to a supervisor's sexual advances or requests for sexual favors. Managers can be held liable for unlawful sex discrimination against qualified individuals who were denied an employment opportunity or benefits in cases where sexual favoritism by the manager is determined to have occurred.

For example:

- A resident in a graduate medical program could be subject to this form of discrimination

# When Discrimination Occurs

All members and providers have the right to file a complaint if they feel they have been subjected to or witnessed violations of the nondiscrimination laws discussed in this training.

DentaQuest is required to provide a public notice of the right to file a complaint, have available a complaint form to provide a complainant, as well as instructions on how to file a complaint.

The DentaQuest Non-Discrimination Notice can be found here:

<http://www.dentaquest.com/nondiscrimination-notice/>.

# Anti-Harassment & Discrimination (cont.)

**Harassment** can consist of a single incident or a pattern of behavior where the purpose or effect is to create a hostile, offensive or intimidating work environment which substantially interferes with the work performance.

## Forms of Harassment:

- Physical or mental abuse;
- Racial, ethnic or religious slurs or jokes;
- Use of threatening, intimidating, coercive or abusive language, inappropriate joking and/or gestures; and
- Display and/or distribution of posters, electronic communication, written material, cartoons or drawings derogatory to a person's race, sex, sexual orientation, religion, age, disability or ethnic background.

# Self-review your conduct:

To determine if your conduct is appropriate, ask yourself the following questions:

- Would I want my conduct to be the subject of a column in the newspaper or to appear on the evening news?
- Is there equal power between me and the person I am interacting with?
- Would I behave the same way if the person that I'm in a relationship with were standing next to me?
- Is there equal initiation and participation between me and the person I'm interacting with?
- Would I want someone else to act this way toward a person that I'm in a relationship with?

# Reasonable Accommodation/Modification

## *Under the ADA, Section 504, and Section 1557:*

- An individual with a disability may need a reasonable accommodation/modification in order to be able to receive a service or benefit or otherwise participate in the federally-facilitated or state healthcare programs

This means your organization may need to make reasonable changes to policies, practices and procedures to avoid discrimination on the basis of disability.



# What is a Reasonable Accommodation?

A requested accommodation must be:

- 1) Linked to the person's disability-related needs;
- 2) Necessary to afford an equal opportunity to enjoy the services or benefits; and
- 3) Possible to implement

# Recognizing an Accommodation Request

When working with an individual here are some key words and phrases that will alert you to a possible request:

- Reasonable accommodation
- Discrimination
- Treated differently or denied a service or help due to disability
- Rights are being violated
- ADA
- Disability (“I need help because of my disability”)
- “I am having a problem that is related to my medical condition.”

# Recognizing an Accommodation Request

**Remember:** The person does not have to say or ask for reasonable accommodation, but you will:

- Need enough information from the person to know about the disability and desire for an accommodation (help or assistance);  
or
- The circumstances must cause you to ask about the need for an accommodation (help or assistance)

When a person makes a reasonable accommodation request tell DentaQuest's Nondiscrimination Compliance Coordinator:

**Civil Rights Coordinator, Compliance Department.**

(888) 278-7310 or [fairtreatment@dentaquest.com](mailto:fairtreatment@dentaquest.com)

# Reporting Discrimination

It is DentaQuest's responsibility to report all discrimination complaints to the appropriate program and to assist with the investigation of the complaints when requested.

- DentaQuest must provide assistance to members with filing complaints when language assistance is needed and/or communication assistance in an alternative format at no charge.

The Non-discrimination Compliance Coordinator will maintain the following information for all member, provider, or sub-contractor related discrimination complaints:

- Name of complainant;
- Complainant's relationship to the Company;
- Circumstances of complaint;
- Date complaint filed; and
- Name of responsible person for resolution and adjudication of the complaint.

# Reporting Discrimination

All complaints of discrimination should be forwarded to **DentaQuest's Non-discrimination Compliance Coordinator, Compliance Department.**

Each complaint received is monitored for non-compliance with the following:

- Title VI of the Civil Rights Act of 1964;
- Section 504 of The Rehabilitation Act of 1973;
- The Americans with Disabilities Act of 1990; and
- The Age Discrimination Act of 1975.

Complainants are advised in writing of their right to have their complaint reviewed by the U.S. Department of Health and Human Services or the Office for Civil Rights, Region IV if they are not satisfied with determination made by the appropriate Program.

# Complaints – HOW TO FILE REPORT

- You or someone on your behalf may file a complaint if you think you have been treated differently because of your race, color, birthplace, disability/handicap, age, sex, religion or any other group protected by law.
- Complaints must be reported within 6 months from the date you think you were treated differently. The deadline can be increased if there is a good reason for the delay in reporting the complaint (e.g., serious illness, death in the family, etc.)
- A complaint may be reported electronically by using the complaint forms found at the DentaQuest website, or in writing. These forms are provided in English and Spanish
- You must include in the report:
  - Your name, address and telephone number, and your signature;
  - Name and address or program you think treated you differently
  - How, why, and when you think you were treated differently.
  - Any other important information

# Complaints - Investigation

DentaQuest investigates all complaints of discrimination within the following framework:

- Thirty (30) days for investigation and resolution upon receipt;
- Contact made with the complainant and respondent;
- Documentation is reviewed by appropriate program for validity of discrimination and a determination is made;
- The complainant is notified in writing of the determination and steps taken to resolve the issue; and
- Complainants are advised in writing of their right to have their complaint reviewed by the U.S. Department of Health and Human Services or the Office for Civil Rights, Region IV if they are not satisfied with determination made by the appropriate program.

**All complaints are reported quarterly.**

# Additional Reporting Options

Individuals who feel they have been discriminated against may also contact the following to report:

Party	Phone Number	Email (if applicable)
DentaQuest Non-discrimination Compliance Coordinator	(888) 278-7310	<a href="mailto:fairtreatment@dentaquest.com">fairtreatment@dentaquest.com</a>
U.S. Dept. of Health & Human Services – Office of Civil Rights	(800) 368-1019	
U.S. Dept. of Health & Human Services – Region VI	(404) 562-7886	



# Resources

For additional questions or information on the DentaQuest Non-Discrimination programs, please contact DentaQuest's Non-Discrimination Compliance Coordinator:

- By Phone: (888) 278-7310
- By Email: [fairtreatment@dentaquest.com](mailto:fairtreatment@dentaquest.com)



# Resources

For LEP information:

- Limited English Proficiency Federal Website: <http://www.lep.gov/>
- For ADA information: <http://www.ada.gov/>

For other civil rights resources:

- HHS, Office of Civil Rights: <http://www.hhs.gov/ocr/office/index.html>
- U.S. Department of Justice, Civil Rights Division:  
<http://www.justice.gov/crt/>
- United States Department of Health and Human Services Office of Minority Health:  
<http://www.minorityhealth.hhs.gov/>

# Resources

For providers that wish to complete additional cultural competency, training there are several online resources, including trainings from the U.S. Department of Health and Human Services (<https://www.thinkculturalhealth.hhs.gov/education/oral-health-providers>).

# Attestation

Please click on the link below to attest that you have completed this training on Cultural Competency and Non-Discrimination.

<https://www.surveymonkey.com/r/HMJCG6G>

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