

**CHAPTER 407
DEPARTMENT OF HUMAN SERVICES,
ADMINISTRATIVE SERVICES DIVISION AND DIRECTOR'S OFFICE**

**DIVISION 30
CLIENT CIVIL RIGHTS**

407-030-0010

Purpose

This rule requires Divisions of the Department of Human Services to insure federal civil rights regulations prohibiting discrimination on the basis of race, color, national origin and handicap. It provides authority enabling Divisions of the Department of Human Services to conduct compliance reviews of certain of its grantees, contractors, or providers of services, as required by the United States Department of Health and Human Services (DHHS). Only those Divisions which receive DHHS funds will conduct reviews annually on ten of their grantees, contractors, or providers of services. The compliance reviews will insure that the following federal regulations are being followed:

- (1) Title VI, Civil Rights Act of 1964. This act prohibits discrimination on the basis of race, color, and national origin by federal recipients.
- (2) Section 504, Rehabilitation Act of 1973. This act prohibits discrimination on the basis of handicap by federal recipients.

Stat. Authority: ORS 409.050, 411.060

Stats. Implemented: ORS 409.050, 411.060

407-030-0020

Review Requirements

- (1) The Assistant Director for each Division shall insure that all reviews for which their Division is responsible are conducted by or with state agency Title VI/504 coordinators or their designees.
- (2) Each actual review shall be preceded by written notification to each provider, contractor, or grantee containing:
 - (a) A statement as to the purpose of the review;
 - (b) The approximate time of the review; and
 - (c) A copy of the review document to be used.

- (3) Each review shall be conducted and documented by the use of a review form approved by the Department of Health and Human Services and provided by the Department of Human Services.

Stat. Authority: ORS 409.050, 411.060

Stats. Implemented: ORS 409.050, 411.060

407-030-0030 Implementation

- (1) The provider compliance reviews for which each Division is responsible shall be determined by the Department of Human Services and will be issued as Department policy.
- (2) The methods of internal administration and coordination shall be determined by Department of Human Services and published as Department policy. The "methods of Administration" will specify the procedures for avoiding duplication of reviews among the divisions of the Department and will define a method for informing the Department of Human Services if similar reviews are being conducted at the same facility by other agencies.

Stat. Authority: ORS 409.050, 411.060

Stats. Implemented: ORS 409.050, 411.060

407-030-0040 Penalties for Non-Compliance

Following a review, if a provider of services, contractor, or grantee is found not to be in compliance with Title VI or Section 504 regulations, an agreement will be developed between the reviewing Division and the provider, contractor, or grantee to assure that compliance occurs. If an agreement with time frames has been reached, compliance has not occurred, and appeal processes have been exhausted, the following will occur:

- (1) **Providers of Services:** The reviewing Division will purchase no further services from the provider and will notify other affected agencies of the action. Service providers may be reinstated after assurance of compliance has been reached.
- (2) **Contractors and Grantees:** The reviewing Division will notify the contractor or grantee that a breach of contract exists or the conditions of the grant have been violated. The grant or contract will be terminated and other affected agencies will be notified. Contractors and grantees may be reinstated after assurance of compliance has been reached.

Stat. Authority: ORS 409.050, 411.060

Stats. Implemented: ORS 409.050, 411.060