

A. GENERAL ADMINISTRATION 7.0

B. Title VI – Effect of Immigration Status in Provision of Patient Services -- 7.22

Issued:

Signature:

By: Wendy J. Long, MD, Director
Bureau of Health Services

POLICY

Title VI of the Civil Rights Act of 1964 provides that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives Federal financial assistance. Additionally, it is the policy of the Bureau of Health Services that **all** Tennesseans have access to quality health care in a safe environment.

APPLICABILITY

This policy is applicable to local health departments and regional offices and any subcontractors.

PURPOSE

The purpose of this policy is to clarify appropriate and inappropriate procedures in serving the immigrant population and to ensure that staff takes no action that intentionally or unintentionally discourages immigrants and their family members from seeking health care at a health department.

PROCEDURE

Even though health departments may collect certain information that is directly or indirectly related to citizenship or country of origin, unless a particular program (such as TennCare) requires the utilization of this information, immigration status or citizenship in no way affects a person's ability to receive medical services. Such information is collected for administrative and/or management purposes only and may not be used as the basis to discriminate against any person seeking services at a health department. Additionally, immigration status or citizenship has no effect on the person's eligibility to pay for those services at reduced rates based on income.

Except for programs that specifically require the provision of information such as Social Security Number, country of origin or citizenship status as a condition of eligibility to receive services under the program, the provision of such information shall be voluntary. If a person is unable or unwilling to provide the information, the appropriate default mechanisms outlined below shall be utilized.

- Social Security Number is used by HSA to identify patients and their accompanying medical records. Some clients will not have a Social Security number and some may offer fictitious numbers. Reassure clients that they can receive services without providing a social security number and that the information they give is confidential and will only be used as a way to identify them at the health department. If a person provides a Social Security Number that is thought to be accurate, the first position of the 10-position SSN field becomes a zero “0” to signify the remaining 9 characters are thought to be accurate. If there is reason to question the accuracy of the information provided, the first position of the field is completed as a “9” followed by the number provided by the patient. If the patient doesn’t have a Social Security Number or is unable or unwilling to provide one or the number is unknown, all 9’s are entered into the Social Security Number field to signify an unknown Social Security Number.
- Country of Origin and date of entry into the country is used by HSA to determine the risk of the patient having latent tuberculosis infection. If a patient provides the information, it is entered into the computer registration screen. If the patient is unable or unwilling to provide the information, there are defaults for refused information and unknown information.

Under no circumstances shall information collected by health departments be used to report undocumented immigrants to the Immigration Naturalization Service. Our staff is not trained to evaluate immigration status and determining/reporting such is not a part of our mission.

POSTED NOTICES

The sign required pursuant to Policy 7.9 shall be modified by adding a statement to the end of the existing notice clarifying that proof of immigration status or Social Security Number is not required to qualify for sliding fee assistance. (click here for recommended wording)

It is the responsibility of all directors of county and regional health departments/clinics to insure that a sign is posted in the reception area related to requests for immigration status and Social Security Numbers. (click here for recommended wording)

REFERENCE DOCUMENTS

Department of Health and Human Services, Federal Public Benefit Interpretation, August 4, 1998, 63 C.F.R. 41658 <http://www.aoa.gov/network/WRI/frhhs84.html>

Department of Justice, Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 62 FR 61344 (1997) <http://www.aoa.gov/network/fr111797.txt>

Department of Health and Human Services, Department of Agriculture, Policy Guidance Regarding Inquiries into Citizenship, Immigration Status and Social Security Numbers in State Applications <http://www.hhs.gov/ocr/nationalorigin/ocrguidance.html>

US Department of Justice: ["Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons"](#)

State Guidance: ["Tennessee State Agencies and Title VI of the Civil Rights Act of 1964"](#)

OFFICE OF PRIMARY RESPONSIBILITY

Office of the Director, Bureau of Health Services, (615) 741-7305