



Defense Health Agency

PROCEDURAL INSTRUCTION

NUMBER 6025.02

June 9, 2017

CMD

SUBJECT: Nondiscrimination in Military Health System (MHS) Health Programs and Activities

References: See Enclosure 1

1. PURPOSE. This Defense Health Agency-Procedural Instruction (DHA-PI), based on the authority of References (a) and (b), and in accordance with the guidance of References (c) through (k), establishes procedures to implement statutory nondiscrimination requirements applicable to federally-assisted and federally-conducted health programs and activities under Reference (d) in the MHS.
2. APPLICABILITY. This DHA-PI applies to OSD, the Military Departments (including the Coast Guard at all times, including when it is a Service in the Department of Homeland Security by agreement with that Department), the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the DoD, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this instruction as the “DoD Components”).
3. POLICY IMPLEMENTATION. It is DHA instruction, pursuant to References (d) through (k), that:
 - a. As established by Reference (d), an individual may not unlawfully be denied the benefits of, or be subjected to discrimination under, any MHS-assisted or MHS-conducted health program or activity on the ground(s) of:
 - (1) Race or national origin prohibited under Reference (e);
 - (2) Sex prohibited under Reference (f);
 - (3) Age prohibited by Reference (g); or
 - (4) Disability prohibited by Reference (h).

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b. As established by Reference (i), DoD Components have a responsibility to maintain informal and formal complaint processes for addressing violations of DoD policy of nondiscrimination in federally-assisted and federally-conducted programs.

4. RESPONSIBILITIES. See Enclosure 2.

5. PROCEDURES. See Enclosure 3.

6. RELEASABILITY. **Cleared for public release.** This DHA-PI is available on the Internet from the DHA SharePoint site at: <http://www.health.mil/dhapublications>.

7. EFFECTIVE DATE. This DHA-PI:

a. Is effective upon signature.

b. Will expire 10 years from the date of signature if it has not been reissued or cancelled before this date in accordance with DHA-PI 5025.01 (Reference (c)).


For R.C. BONO
VADM, MC, USN
Director

Enclosures

1. References
2. Responsibilities
3. Procedures

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ENCLOSURE 1

REFERENCES

- (a) DoD Directive 5136.01, "Assistant Secretary of Defense for Health Affairs (ASD(HA)),
September 30, 2013
- (b) DoD Directive 5136.13, "Defense Health Agency (DHA)," September 30, 2013
- (c) DHA-Procedural Instruction 5025.01, "Publication System," August 21, 2015
- (d) Section 1557 of the Patient Protection and Affordable Care Act, Title 42, United States
Code (U.S.C.), 18116, March 23, 2010
- (e) Title VI of the Civil Rights Act of 1964 (Title 42, U.S.C., 2000d et seq.)
- (f) Title IX of the Education Amendments of 1972 (Title 20, U.S.C., 1681 et seq.)
- (g) The Age Discrimination Act of 1975 (Title 42, U.S.C., 6101 et seq.)
- (h) Section 794 of Title 29, U.S.C.
- (i) DoD Directive 1020.02E, "Diversity Management and Equal Opportunity in the DoD,"
June 8, 2015
- (j) Title 32, Code of Federal Regulations, Parts 199.6 and 199.9
- (k) Title 10, U.S.C., Chapter 55

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ENCLOSURE 2

RESPONSIBILITIES

1. DIRECTOR, DHA. Under the authority, direction, and control of the Under Secretary of Defense for Personnel and Readiness and the Assistant Secretary of Defense for Health Affairs, and in accordance with DoD policies and issuances, the Director, DHA, will:

a. Provide overall support to the MHS in implementing Reference (b).

b. Ensure implementation of procedures consistent with Reference (j) to comply with the nondiscrimination of individuals receiving federal financial assistance within the purchased care component of TRICARE (for both network and non-network providers), with reliance on nondiscrimination rules and procedures outlined by the Department of Health and Human Services with respect to health care providers under Medicare.

c. Ensure that personnel engaged in the administration of MHS Health Programs and Activities are included in the implementation of responsibilities under Reference (d) with respect to matters affecting the provision of services under those programs and activities.

2. CHIEF, PRIVACY AND CIVIL LIBERTIES OFFICE, DHA. The Chief, Privacy and Civil Liberties Office, DHA, will provide informational support and technical assistance to MHS components in implementation of this DHA-PI.

3. DIRECTOR, NATIONAL CAPITAL REGION MEDICAL DIRECTORATE (NCR-MD), DHA. The Director, NCR-MD, DHA, will carry out responsibilities for the medical treatment facilities under the authority of the NCR-MD comparable to the responsibilities assigned under Section 4 of this Enclosure.

4. HEADS OF DOD COMPONENTS WHO CONDUCT MHS HEALTH PROGRAMS AND ACTIVITIES. The Heads of DoD Components who conduct MHS Health Programs and Activities will ensure that:

a. Each medical treatment facility under the authority of that component provides staff training and information to beneficiaries on its nondiscrimination policies and has in place an effective complaint process for addressing possible violations of Reference (d).

b. Issues and complaints dealing with nondiscrimination policies and procedures separate from the provision of health care services, such as equal employment opportunity, are referred to the appropriate authority for review and resolution.

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c. MHS military functions not covered by general or particular requirements of References (d) through (h), but potentially covered by requirements of Reference (i), are carefully reviewed for consistency with those requirements.

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ENCLOSURE 3

PROCEDURES

1. The complaint processes described under Section 4 of Enclosure 2 will be established no later than 60 days after the effective date of this DHA-PI. They shall be in writing and clearly establish the time limits for the making of such complaints, the time limits for submitting documents in support of such complaints, and the time limits for the issuance of decisions.
2. All decisions issued shall be considered final decisions and shall not be subject to further appeal within the DoD.
3. A copy of each decision issued shall be forwarded to the Chief, Privacy and Civil Liberties Office, DHA, at the time of their issuance at DHA NCR PCL Mailbox DHA Privacy Office Mail, dha.ncr.pcl.mbx.dha-privacy-office-mail@mail.mil.

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

DHA	Defense Health Agency
DHA-PI	Defense Health Agency-Procedural Instruction
MHS	Military Health System
NCR-MD	National Capital Region Medical Directorate
U.S.C.	United States Code

PART II. DEFINITIONS

MHS. The DoD medical and dental programs, personnel, facilities, and other assets, operating pursuant to Reference (k), by which the DoD provides health care services and support to the Military Services during military operations, and health care services and support under TRICARE to members of the Military Services, their family members, and others entitled to DoD medical care. It includes the education and training of DoD medical personnel.

MHS Health Program or Activity. An MHS Health Program or Activity for the provision of health care services, or the education or training of health care personnel.