



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PUBLIC HEALTH SERVICE

WASHINGTON, D.C. 20201

REF ID: A6200
REFER TO:

Dear Hospital Administrator:

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color or national origin in Federally-assisted programs. To be eligible to receive Federal assistance or participate in any Federally-assisted program a hospital must be in compliance with Title VI. The Public Health Service has been given the responsibility of ensuring compliance with Title VI in all hospitals receiving funds directly or indirectly from any department or agency of the Federal government. As a result, hospitals will be dealing with only one department of the Federal government instead of fifteen. Financial assistance is extended directly by the Federal government for research, training or construction. In other instances the funds are for services rendered to clients of State administered health, welfare or rehabilitation programs.

This activity by the Public Health Service does not relieve State and local recipients of Federal grants, such as State or local health and welfare agencies, from continuing responsibility for determining that Federally supported programs do not utilize non-complying hospitals.

Progress in eliminating discrimination has been achieved during the past year through the voluntary action of hospitals in all parts of the country. The transition has not been as difficult as some feared. To the contrary it has contributed to better patient care and in addition has proven to be both administratively and economically advantageous.

Enclosed is a description of the requirements of the Civil Rights Act as they apply to hospitals. Also enclosed is an Assurance Form 441 to be signed, indicating your compliance with the conditions of Title VI. This form will need to be signed and returned in order to participate in direct Federal programs such as Health Insurance for the Aged even though you may have submitted the same or a similar form to one or more State agencies. The questionnaire is additional to that which you may have provided already to a State agency in connection with certification for the Health Insurance for the Aged program. We will review the questionnaires as they arrive, and if any deficiencies are noted we will let you know so that you can take any necessary action to correct them.



Representatives from the Department of Health, Education, and Welfare Regional office and State agencies will be visiting hospitals on a routine, periodic basis to supplement this information and to be of further assistance in resolving any problems that may arise.

As with other Federal programs, your participation in the Health Insurance for the Aged program, even if you are otherwise certified as eligible, is dependent on your compliance with Title VI and your having filed with the Public Health Service the assurance form and completed questionnaire. Please let us have these papers by March 15, 1966. Please return the completed forms and the enclosed punch card in the envelope provided.

Any questions you may have should be directed to the Chief, Office of Equal Health Opportunity, Public Health Service, Washington, D.C. (Area Code 202 962-1845), or the Department of Health, Education, and Welfare Regional office serving your area.

Sincerely yours,

William H. Stewart
Surgeon General

**ASSURANCE OF COMPLIANCE WITH THE DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE REGULATION UNDER
TITLE VI OF THE CIVIL RIGHTS ACT OF 1964**

(Name of Applicant)

(hereinafter called the "Applicant")

HEREBY AGREES THAT it will comply with title VI of the Civil Rights Act of 1964 (P.L. 88-352) and all requirements imposed by or pursuant to the Regulation of the Department of Health, Education, and Welfare (45 CFR Part 80) issued pursuant to that title, to the end that, in accordance with title VI of that Act and the Regulation, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Applicant receives Federal financial assistance from the Department; and HEREBY GIVES ASSURANCE THAT it will immediately take any measures necessary to effectuate this agreement.

If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the Applicant by the Department, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is so provided, this assurance shall obligate the Applicant for the period during which it retains ownership or possession of the property. In all other cases, this assurance shall obligate the Applicant for the period during which the Federal financial assistance is extended to it by the Department.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Applicant by the Department, including installment payments after such date on account of applications for Federal financial assistance which were approved before such date. The Applicant recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this assurance, and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Applicant.

Dated _____

(Applicant)

By _____

(President, Chairman of Board, or comparable
authorized official)

(Applicant's mailing address)

Explanation Of

HEW FORM NO. 441, ASSURANCE OF COMPLIANCE WITH THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE REG- ULATION UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Section 80.4 of the Department of Health, Education, and Welfare's Regulation effectuating Title VI of the Civil Rights Act of 1964 requires that every application to the Department for Federal financial assistance shall contain or be accompanied by an Assurance that the program or facility to be assisted will be conducted or operated in compliance with Title VI of the Civil Rights Act and with all requirements imposed by or pursuant to the Department's Regulation.

Section 80.4 further provides that "the form of the foregoing Assurance and the extent to which like Assurances will be required of subgrantees, contractors, transferees, successors in interest and other participants," shall be specified by the responsible Department official. Under this authority, HEW Form No. 441 has been specified as the form of Assurance which shall apply to all applications for Federal financial assistance (except for continuing state programs which must meet the requirements of Section 80.4(b) and school districts availing themselves of Section 80.4(c) of the Regulation) submitted to the Department after January 3, 1965; also the circumstances have been specified under which an Applicant shall obtain comparable written Assurances of compliance from its subgrantees, contractors, and transferees. (See answers to Questions 11 and 12 below in this regard.)

HEW Form No. 441 constitutes a legally enforceable agreement to comply with Title VI of the Civil Rights Act of 1964, and with all requirements imposed by or pursuant to the Regulation of the Department of Health, Education, and Welfare issued thereunder. Applicants are urged to read the Department's Regulation before executing the Assurance.

The following explanation of the requirements of the Department's Regulation and the examples of the kinds of discriminatory practices prohibited by them are for the guidance of the Applicants.

1. By executing the Assurance (HEW Form No. 441), what does an Applicant agree to do?

A. The Applicant agrees to make no distinction on the ground of race, color, or national origin in providing to individuals any service, financial aid, or other benefit under any program receiving Federal financial assistance extended to the Applicant by the Department.

2. What is meant by "distinction on the ground of race, color, or national origin"?

A. "Distinction on the ground of race, color, or national origin" includes (1) any type of segregation, separate or different treatment, or other discrimination on that ground; (2) the imposition of any admission, enrollment quota, eligibility, or other requirement or condition which individuals must meet in order to be provided any service, financial aid, or other benefit under a program or to be afforded an opportunity to participate in a program, if the race, color, or national origin of individuals is considered in determining whether they meet any such requirement or condition; (3) the use of membership in a group as a basis for the selection of individuals for any purpose, if in selecting members of the group there is discrimination on the ground of race, color, or national origin; and (4) the assignment of personnel to provide services, or the assignment of times or places for the provision of services, on the basis of the race, color, or national origin of the individuals to be served. It does not, however, include distinctions on the ground of race, color, or national origin determined by the responsible Department official to be necessary to the conduct of research or experimental programs having as their primary objective the discovery of new knowledge concerning special characteristics of particular racial or other ethnic groups.

3. What is meant by "service, financial aid, or other benefit"?

A. "Service, financial aid, or other benefit" under a program receiving Federal financial assistance includes any education or training, any evaluation, guidance, counseling, or placement service, any health, welfare, rehabilitation, housing, or recreational service, any referral of individuals for any of the foregoing services, any scholarship, fellowship or traineeship stipend or allowance, and any loan or other financial assistance or benefit (whether in cash or in kind), which is made available to individuals (1) with the aid of Federal financial assistance, or (2) with the aid of the Applicant's or of other non-Federal funds required to be made available for the program as a condition to the receipt of Federal financial assistance, or (3) in or through a facility provided with the aid of Federal financial assistance or the non-Federal matching funds referred to in (2).

4. What requirements are placed on the use of facilities?

A. The Applicant agrees to make no distinction on the ground of race, color, or national origin in making available to individuals the use of any land, building, equipment, or other facility leased, acquired, constructed, improved, or equipped with the aid of Federal financial assistance extended to the Applicant by the Department, including—

- (a) the use of any room, dormitory, ward, or other space in the facility;
- (b) the use of any equipment in the facility;
- (c) the use of any office, waiting room, restroom, eating, recreational, concession, or other accommodation or convenience provided in the facility;
- (d) the use of any facility not provided with the aid of Federal financial assistance if the availability of such facility is required as a condition to the receipt of Federal financial assistance for the Federally-assisted facility.

5. What requirements are placed on the opportunities to participate in a program receiving Federal assistance?

A. The Applicant agrees to make no distinction on the ground of race, color, or national origin in affording opportunities to individuals to participate (other than as employees) in any program receiving Federal financial assistance extended by the Department to the Applicant, including opportunities to participate—

- (a) as providers of any service, financial aid, or other benefit to individuals under the program (e.g., as physicians, surgeons, dentists, or other professional practitioners seeking the privilege of practicing in a Federally-aided hospital or other facility);
- (b) as conferees, observers, consultants, or advisers, or as members of advisory or planning groups, or
- (c) as volunteers (e.g., as voluntary workers, or as patients or other subjects of study or experimentation in research, survey, demonstration, or like programs).

6. Does that mean that an Applicant who signs the Department's Assurance may nevertheless make distinctions among his employees on the basis of race, color, or national origin?

A. Title VI of the Civil Rights Act does not concern itself with employment practices except where a primary objective of the Federal financial assistance is to provide employment. Thus, where a basic objective of the program is to provide employment, the Applicant's employment practices are subject to the Department's Regulation. However, even where this is not the case an Applicant may be precluded from engaging in any discriminatory employment practices under the provisions of Title VII of the Civil Rights Act, Executive Orders 10925 and 11114, and the Merit System Regulations.

7. When an Applicant's employment practices are covered by the Department's Regulation, what requirements must be met?

A. The Applicant agrees to make no distinction on the ground of race, color, or national origin in its employment practices (including recruitment or recruitment advertising, hiring, layoff or termination, upgrading, demotion, or transfer, rates of pay or other forms of compensation, and use of facilities) with respect to individuals seeking employment or employed under any program receiving Federal financial assistance extended to the Applicant by the Department, in those programs where a primary objective of the Federal financial assistance is to provide employment to such individuals. This includes programs under which the employment is provided—

- (a) as a means of extending financial assistance to students or to needy persons,
- (b) to students, fellows, interns, residents, or others in training for related employment (including research associates or assistants in training for research work), or
- (c) to reduce unemployment or to provide remunerative activity to individuals who because of severe handicaps cannot be readily absorbed in the competitive labor market.

8. What effect will the Regulation have on a college or university's admission practices or other practices related to the treatment of students?

A. An institution of higher education which applies for any Federal financial assistance of any kind must agree that it will make no distinction on the ground of race, color, or national origin in the admission practices or any other practices of the institution relating to the treatment of students.

(a) "Student" includes any undergraduate, graduate, professional, or postgraduate student, fellow, intern, student, or other trainee receiving education or training from the institution.

(b) "Admission practices" include recruiting and promotional activities, application requirements, eligibility conditions, qualifications, preferences, or quotas used in selecting individuals for admission to the institution, or any program of the institution, as students.

(c) "Other practices relating to the treatment of students" include the affording to students of opportunities to participate in any educational, research, cultural, athletic, recreational, social, or other program or activity; the performance evaluation, discipline, counseling of students; making available to students any housing, eating, health, or recreational service; affording work opportunities, or scholarship, loan or other financial assistance to students; and making available for the use of students any building, room, space, materials, equipment, or other facility or property.

9. Does the Assurance of nondiscrimination apply to the entire operation of an institution?

A. Insofar as the Assurance given by the Applicant relates to the admission or other treatment of individuals as students, patients, or clients of an institution of higher education, a school, hospital, nursing home, center, or other institution owned or operated by the Applicant, or to the opportunity to participate in the provision of services, financial aid, or other benefits to such individuals, the Assurance applies to the entire institution. In the case of a public school system the Assurance would be applicable to all of the elementary or secondary schools operated by the Applicant.

10. What about a university which operates several campuses?

A. Section 80.4(d)(2) of the Regulation provides for a more limited Assurance only where an institution can demonstrate that the practices in part of its operation in no way affect its practice in the program for which it seeks Federal funds. This would be a rare case.

11. If an Applicant intends to make use of other individuals to help carry out the Federally-assisted program, does the requirement not to discriminate apply to such a subgrantee or contractor?

A. It does. The Applicant must require any individual, organization, or other entity which it utilizes, to which it subgrants, or with which it contracts or otherwise arranges to provide services, financial aid, or other benefits under, or to assist it in the conduct of, any program receiving Federal financial assistance extended to the Applicant by the Department, or with which it contracts or otherwise arranges for the use of any facility provided with the aid of Federal financial assistance for a purpose for which the Federal financial assistance was extended, to comply fully with Title VI of the Civil Rights Act of 1964 and the Regulation of the Department of Health, Education, and Welfare issued thereunder.

12. Must this Assurance of nondiscrimination by the subgrantee, etc., be in writing?

A. In the case (1) of any contractual or other arrangement with another such individual or entity which will continue for an indefinite period or for a period of more than three months, (2) of any subgrant, or (3) of any conveyance, lease, or other transfer of any real property or structures thereon provided with the aid of Federal financial assistance extended to the Applicant by the Department, the Applicant shall obtain from such other person, subgrantee, or transferee, an agreement, in writing, enforceable by the Applicant and by the United States, that such other individual or entity, subgrantee, or transferee will carry out its functions under such subgrant, or contractual or other arrangement, or will use the transferred property, as the case may be, in accordance with Title VI of the Act and the Regulation will otherwise comply herewith.

13. What obligations does the Applicant have to inform beneficiaries, participants, and others of the provisions of the Regulation?

A. The Applicant must make available to beneficiaries, participants, and other interested persons information regarding the provisions of the Regulation and protections against discrimination provided under Title VI of the Civil Rights Act. The Department will issue shortly more detailed instructions on carrying out this phase of the Regulation.

14. What obligations does the Applicant have to keep records and to make them available to the Department?

A. From time to time, Applicants may be required to submit reports to the Department, and the Regulation provides that the facilities of the Applicant and all records, books, accounts, and other sources of information pertinent to the Applicant's compliance with the Regulation be made available for inspection during normal business hours on request of an officer or employee of the Department specifically authorized to make such inspections. More detailed instructions in this regard will also be forthcoming from the Department in the near future.

15. Must separate Assurance forms be filed with each application?

A. As a general rule once a valid Assurance is given it will apply to any further application as long as there is no indication of a failure to comply.

GUIDELINES FOR COMPLIANCE WITH TITLE VI OF THE CIVIL
RIGHTS ACT OF 1964

Hospitals in compliance with the Act are characterized by absence of separation, discrimination or any other distinction on the basis of race, color, or national origin in any activity carried on in, by or for the institution affecting the care and treatment of patients.

Specifically, the above would include (but not be limited to) the following characteristics:

1. The hospital provides inpatient and outpatient care on a non-discriminatory basis; all patients are admitted and receive care without regard to race, color, or national origin. Declaration of an open admission policy may not be sufficient to effectuate compliance in some instances, particularly where the hospital has previously served only or primarily patients of one race. Where there is a significant variation between the racial composition of patients and the population served, the hospital has a responsibility to determine the reasons and to take corrective action if they are due to discriminatory practices.
2. All patients are being assigned to all rooms, wards, floors, sections, and buildings without regard to race, color, or national origin. In communities with non-white population, this results in bi-racial occupancy of multi-bed rooms and wards and use of single bed rooms on a non-discriminatory basis.

Patients are not asked if they are willing or desire to share a room with a person of another race. Transfer of patients is not used as a device to evade compliance with the Act.

3. Employees, medical staff and volunteers of the hospital are assigned to patient services without regard to the race, color, or national origin of either the patient or employee. Courtesy titles (Mr., Miss, Dr.) whenever used, are being used throughout the hospital including patient care areas and news releases announcing admissions, births, deaths, etc.
4. The granting of permanent or temporary staff privileges is carried out in a non-discriminatory manner. Staff privileges are not denied professionally qualified personnel on the basis of race, color, or national origin, or on the basis of non-membership in an organization which

discriminates on the basis of race, color, or national origin. Removal of staff privileges and other disciplinary actions shall not be based on race, color, or national origin.

5. Non-discriminatory practices of the institution include all aspects of training programs, and require recruiting and selection of trainees at both predominantly white and Negro schools. The same recruiting procedures are used at all such institutions. Third parties are not permitted to select trainees on a basis which, if done directly by the hospital, would be violative of the Civil Rights Act. These requirements apply to interns (medical, dental, OT, PT, dietician), residents and training programs such as graduate nurse, practical nurse, medical technology, x-ray technology, etc.
6. All services rendered by the institution, its employees or vendors to patients or others are provided without regard to race, color, or national origin. This would include:
 - A. Administrative services (admission, medical records, fiscal, etc.).
 - B. Medical and dental care for inpatients and outpatients (all specialties-clinical, diagnostic and other pathology services).
 - C. Paramedical care and ancillary and supporting services (food, pharmacy, social services, laundry, toilet facilities, waiting rooms, entrances, exits, snack bars, gift shops, visiting hours, doctor's lounges). Patients and visitors are using all cafeteria facilities without regard to race, color, or national origin; no dining facilities are used only by non-whites by "custom" or "preference".
 - D. Ambulance services.
7. Employees and medical staff have been notified in writing of the hospital's policy for compliance with Title VI of the Civil Rights Act.
8. Hospitals which have recently changed from discriminatory practices have taken steps to notify those who previously had been excluded from hospital services (e.g., letters to Negro physicians or physician organizations and Civil Rights leaders, notices to newspapers, posting of signs in hospitals, etc.).
9. Hospitals which have had dual facilities to effect racial separation have either converted one of them to a different purpose or have taken steps to change the traffic flow so that they are actually used bi-racially.

MEDICAL FACILITIES COMPLIANCE REPORT
(Civil Rights Act Title VI)

INSTRUCTIONS: Complete all items. Check the appropriate box and insert numbers where indicated. If you believe your answers to any of the questions below require an explanation, check here and explain on the reverse side, identifying comment by item number.

NAME OF INSTITUTION OR FACILITY		ADDRESS (Street, city, state, Zip Code)		COUNTY
LIST AFFILIATIONS WITH OTHER HOSPITALS, MEDICAL SCHOOLS, SCHOOLS OF NURSING, SCHOOLS OF MEDICAL TECHNOLOGY, ETC.		TYPE OF HOSPITAL		
		<input type="checkbox"/> PROPRIETARY	<input type="checkbox"/> GOVERNMENT:	<input type="checkbox"/> STATE <input type="checkbox"/> COUNTY
		<input type="checkbox"/> VOLUNTARY NON-PROFIT	<input type="checkbox"/> MUNICIPAL	<input type="checkbox"/> DISTRICT

1. ARE ALL PATIENTS ASSIGNED ROUTINELY TO THE FOLLOWING FACILITIES WITHOUT REGARD TO RACE, COLOR, OR NATIONAL ORIGIN

ROOMS	YES	NO	BUILDINGS	YES	NO	TREATMENT ROOMS	YES	NO
WARDS			NURSERY FACILITIES			OPERATING ROOMS		
FLOORS			LABOR ROOMS			OTHER PROFESSIONAL		
WINGS			DELIVERY ROOMS			SERVICE FACILITIES		

2. TODAY'S PATIENT CENSUS

(Date)	WHITE	NEGRO	INDIAN	ORIENTAL
	(No.)	(No.)	(No.)	(No.)
TODAY'S OCCUPANCY				
A. OCCUPIED BY WHITES ONLY				
B. OCCUPIED BY NEGROES ONLY				
C. OCCUPIED BY INDIANS OR ORIENTALS ONLY				
D. BI-RACIALLY OCCUPIED BY WHITES AND NEGROES				

3. WHAT IS THE APPROXIMATE PERCENTAGE OF NON-WHITE POPULATION IN THE SERVICE AREA FROM WHICH 75% OF YOUR PATIENTS ARE DRAWN _____ %

ENTRANCES	YES	NO	DINING AREAS AND CAFETERIAS	YES	NO
ADMISSION OFFICES			TOILET AND LAVATORY FACILITIES		
WAITING ROOMS			OTHER GENERAL SERVICE FACILITIES		

5. ARE THE FOLLOWING USED ON THE SAME BASIS BY ALL OUT-PATIENTS WITHOUT REGARD TO RACE, COLOR, OR NATIONAL ORIGIN

CLINICS	YES	NO	6. ARE OUTPATIENT SERVICES USED BY ALL PATIENTS WITHOUT REGARD TO RACE, COLOR, OR NATIONAL ORIGIN AT THE SAME TIME RATHER THAN ON DIFFERENT DAYS OR AT DIFFERENT HOURS	YES	NO
OUTPATIENT SERVICES					
SEATING ARRANGEMENTS					

6. ARE THE FOLLOWING USED ON THE SAME BASIS BY ALL OUT-PATIENTS WITHOUT REGARD TO RACE, COLOR, OR NATIONAL ORIGIN

EMERGENCY ROOMS	YES	NO	7. DOES THIS INSTITUTION ACCEPT AND APPROVE APPLICATIONS FOR STAFF PRIVILEGES AND TRAINING WITHOUT REGARD TO RACE, COLOR, OR NATIONAL ORIGIN	YES	NO
WAITING LINES					

8. IF "YES" IS CHECKED IN ITEM 7, ARE THE STAFF PRIVILEGES OF NEGRO PHYSICIANS OR DENTISTS DIFFERENT IN ANY WAY THAN THOSE GRANTED TO WHITE PHYSICIANS OR DENTISTS

YES NO

9. IF "YES" IS CHECKED IN ITEM 9, DO THE SOCIETIES INVOLVED GRANT MEMBERSHIP WITHOUT REGARD TO RACE, COLOR, OR NATIONAL ORIGIN		10. TO THE BEST OF YOUR KNOWLEDGE, HOW MANY NON-WHITE PHYSICIANS ARE THERE IN ACTIVE PRACTICE IN THE SERVICE AREA	11. NUMBER OF NEGRO PHYSICIANS WHO HAVE APPLIED FOR STAFF PRIVILEGES SINCE JANUARY 1, 1964
<input type="checkbox"/> YES <input type="checkbox"/> NO			

13. PRESENT STATUS OF FACILITY'S STAFF

TYPE	NEGRO	WHITE	OTHER	TYPE	NEGRO	WHITE	OTHER
PHYSICIANS FULL STAFF MEMBERS				INTERNS			
COURTESY STAFF				RESIDENTS			
OTHER				STUDENT NURSES			
DENTISTS STAFF MEMBERS				PRACTICAL NURSES IN TRAINING			
COURTESY STAFF				MEDICAL TECHNOLOGISTS IN TRAINING			
OTHER							

I certify that the information given above is true and correct to the best of my knowledge and belief. (A willfully false statement is punishable by law; U.S. Code, Title 18, Sec. 1001)

SIGNATURE OF AUTHORIZED OFFICIAL	TITLE	DATE
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