



FACT SHEET



U.S. Department of Health and Human Services • Office for Civil Rights • Washington, D.C. 20201 • (202) 619-0403

YOUR RIGHTS UNDER THE AGE DISCRIMINATION ACT (in Federally Funded Health and Human Service Programs)

THE OFFICE FOR CIVIL RIGHTS

The Office for Civil Rights (OCR) of the U.S. Department of Health and Human Services (HHS) enforces Federal laws that prohibit discrimination by health care and human service providers that receive funds from DHHS. One such law is the Age Discrimination Act of 1975.

WHAT IS THE AGE DISCRIMINATION ACT?

The Age Discrimination Act of 1975 is a national law that prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance. The Age Discrimination Act applies to persons of all ages. It does not cover employment discrimination. (The Age Discrimination in Employment Act applies specifically to employment practices and programs, both in the public and private sectors, and applies only to persons over age 40. Complaints under the Age Discrimination in Employment Act should be sent to the U.S. Equal Employment Opportunity Commission, Washington, D.C. 20506.)

The Age Discrimination Act and HHS age regulation (which can be found at 45 CFR Part 91) do apply to each DHHS recipient. The Age Discrimination Act also contains certain exceptions that permit, under limited circumstances, use of age distinctions or factors other than age that may have a disproportionate effect on the basis of age. For example, the Age Discrimination Act does not apply to:

An age distinction contained in that part of a Federal, State or local statute or ordinance adopted by an elected, general purpose legislative body which:

- Provides any benefits or assistance to persons based on age; or
- Establishes criteria for participation in age-related terms; or
- Describes intended beneficiaries or target groups in age-related terms.

HOW TO FILE A COMPLAINT WITH OCR

Complaints of age discrimination involving HHS recipients and beneficiaries may be filed with OCR by an individual, a class, or by a third party, within 180 days from the date of the alleged discriminatory act. (OCR may extend the 180-day period if good cause is shown.) Include the following information in your *written* complaint, or request a Discrimination Complaint Form from OCR:

- Your name, address and telephone number. You must sign your name. (If you file a complaint on someone's behalf, include your name, address, telephone number, and statement of your relationship to that person - e.g., spouse, attorney, friend, etc.)

- Name and address of the institution or agency you believe discriminated against you.
- How, why and when you believe you were discriminated against.
- Any other relevant information.

Send the complaint to the OCR regional office below or to the Washington, D.C. headquarters address on the front of this Fact Sheet.

WHAT HAPPENS AFTER YOU FILE AN Age Discrimination Act COMPLAINT?

Upon receipt, OCR screens all complaints and then refers those which describe actions covered by the Age Discrimination Act and contain the necessary information to the Federal Mediation and Conciliation Service (FMCS).

Complainants and recipients are required to participate in the effort to reach a mutually satisfactory mediated settlement of the complaint. Unless extended, the FMCS mediation process will last no more than 60 days from the date a complaint is filed with OCR. OCR will take no further action on a complaint that has been successfully mediated. However, OCR will investigate complaints that are unresolved by the FMCS through mediation, or when cases are reopened because the mediation agreement is violated.

A complainant may file a civil action 180 days from the date the complaint was filed with OCR if HHS has taken no action, or upon the date HHS makes a determination in favor of the recipient, whichever comes first. However, no private suit is allowed if there is a pending action involving the same allegations and the same recipient. The complainant has the option either to file this civil action, if allowed, or to have OCR continue to pursue the complaint through administrative processes. Regardless of which option is chosen, OCR retains the right to continue its enforcement activities even if a private court suit is filed.

If it is determined that your complaint is not within OCR's jurisdiction, OCR may forward it to an appropriate agency that may be able to help you.

For Further Information, Contact:

Director
Office for Civil Rights
U. S. Department of Health and Human Services
200 Independence Avenue, SW - Room 506-F
Washington, D.C. 20201

Hotlines: 1-800-368-1019 (Voice)

E-Mail: ocrmail@hhs.gov

1-800-537-7697 (TDD)

Website: <http://www.hhs.gov/ocr>