
Limited English Proficiency



Community Mental Health and Substance Abuse
Services of St Joseph County

LEP Definition

- "Limited English Proficiency":
Or "LEP" refers to an individual who cannot speak, read, write, or understand the English language at a level that permits him/her to communicate effectively with health care or social service providers.

Title VI of the Federal Civil Rights Act of 1964

REQUIRES:

- Health & Social Services providers are responsible under Federal law to assist **people** with limited English skills
- Prohibits against “National Origin Discrimination as it effects persons with **L**imited **E**nglish **P**roficiency”

Basic Title VI Requirements

Continued...

- Ensure individuals with limited English skills can **effectively access** critical health & social services
- Provide language assistance to ensure effective access, **at no cost** to the Person with LEP

Who is Covered by Title VI?

All entities that receive Federal financial assistance from Health and Human Services (HHS), either directly or indirectly, through a grant, contract or subcontract. Including: (1) any state or local agency, private institution or organization, or any public or private individual that (2) provides health, or social service programs and activities.

Community Mental Health & Substance Abuse Services of St Joseph County (CMHSAS-SJC) and all provider agencies are required to provide LEP services.

Why worry about Limited English Proficiency?

If the English language made any sense, then
“*lackadaisical*”... would have something to do with a
Shortage of flowers



When General Motors introduced the Chevy Nova in South America, it was apparently unaware that “**no va**” means “**it won’t go**” in local languages.



Effective LEP Programs

The Federal Office of Civil Rights (OCR) has found that effective programs do the following:

- 1. Identify Individuals with LEP who need language assistance**
- 2. Offer Language Assistance through:**
 - a. Oral language interpretation
 - b. Translation of written materials

Effective LEP Programs, cont'd

3. Staff Training

4. The right to free language assistance for individuals with LEP

5. Monitoring and Updating the LEP Program

1. Identify LEP Individuals who need language assistance

- This step requires that Persons with LEP identify their language needs to staff. Posting notices in commonly encountered languages will let Persons with LEP know of the availability of the assistance and encourage them to identify their language needs.
- Provider agencies should maintain a record of the language needs of all persons identifying themselves as Persons with LEP.

2. Language Assistance Measures

- Identify the ways in which language assistance will be provided.
- Consideration is given to:
 - Types of language services available
 - How staff can obtain those services
 - How to respond to callers with LEP
 - How to respond to written correspondence from Persons with LEP
 - How to respond to individuals with LEP in-person
 - How to ensure competency of interpreters and translation services.

3. Staff Training

Effective training ensures that employees

- A. Know their obligations to provide meaningful access to information and services to Persons with LEP.
- B. Know and are aware of LEP policies and procedures.
- C. Receive training to work effectively with in-person and telephone interpreters.
- D. Understand the dynamics of interpretation between individuals served, providers, and interpreters.

4. Providing Notice to Persons with LEP

Examples of Providing Notice:

- ❑ “I speak” posters and cards available at Southwest Michigan Behavioral Health (SWMBH) entry/Access points.
- ❑ Posters at entry/Access points identifying that Language Assistance is available at no cost (free).
- ❑ Vital Documents translation performed by *Voices for Health – Language & Culture Services*. Forms available under Policies & Forms on the SWMBH web (<http://www.swmbh.org/index.php/customers>).
- ❑ Contracts with *Language Line Services* for telephone interpretation.
- ❑ SWMBH Customer Handbook is translated into Spanish
- ❑ Other information dissemination occurs in the Board meeting announcements & public relations materials.

5. Monitoring and Updating the LEP Program/Plan

It is crucial to monitor language assistance (LEP) programs to assess...

- A. the current LEP makeup of the service area
- B. the current communication of LEP applicants and persons served
- C. whether existing assistance is meeting the needs of such individuals
- D. whether staff are knowledgeable about policies and procedures and how to implement them
- E. whether sources of and arrangements for assistance are still current and viable

Key to Access for Persons with LEP

Provide *effective communication* between the service provider and the Person with LEP so as to facilitate participation in, and meaningful access to services.

The steps taken by a service provider must ensure that the Person with LEP is given adequate information, is able to understand the services and benefits available, and is able to receive services/benefits which s/he is eligible.

CMHSAS-SJC Policy and Procedure references:

Policy #6.03: *Limited English Proficiency*

<http://www.stjoecmh.org/Policies> >> *policy #6.03.*

Language Interpretation

- Interpretation is the act of listening to something in one language and translating and transmitting it in another language. This could include sign language.
- Service Providers have options to consider when providing competent interpreters in timely manner.

Language Interpretation

Options include

- 1) Hiring bilingual staff who are trained and who demonstrate competence as interpreters
 - 2) Hiring staff interpreters who are competent and readily available
 - 3) Contracting with interpreters who are competent and readily available
 - 4) Utilizing volunteers who are competent as interpreters, are readily available and maintain client confidentiality
 - 5) Utilizing a telephone interpretation service as necessary.
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Use of Family/Friends as Interpreters

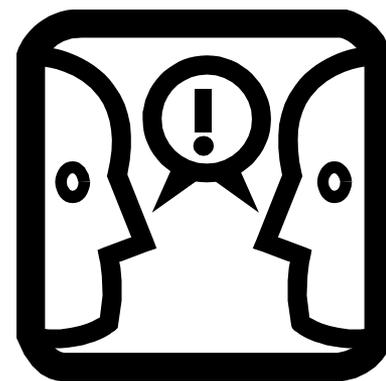
- The use of family or friends must **NOT** be suggested, or encouraged to a Person with LEP by any service provider.
- Use of such persons could result in a breach of confidentiality or reluctance on the part of individuals to reveal personal information critical to their situations – which would compromise the effectiveness of services.
- Providers must offer **FREE** trained interpreters to participate in assessments and other service contacts.

Use of Family/Friends as Interpreters

- If a Person with LEP declines the right to free interpreter services, providers may use a family member or friend, if using this person does not compromise the effectiveness of services or violate the confidentiality of the individual.
 - **Providers must document the offer and declination in the individual's file.**
- Even if a Person with LEP elects to use a family member or friend, providers should suggest that a trained interpreter sit in on the contact to ensure accurate interpretation.

Competence of Interpreters

- Interpreters must be **competent** -- competency does not necessarily mean formal certification as an interpreter – although certification is helpful.
- On the other hand, competency requires more than self-identification as bilingual. All interpreters should express sensitivity to the culture of the person with LEP.



Competence of Interpreters

- **Competency includes:**
 - demonstrated proficiency in both English and the other language
 - orientation and training that includes the skills and ethics of interpreting
 - fundamental knowledge in both languages of any specialized terms or concepts
 - demonstrated ability to convey information accurately in both languages

Working with an Interpreter

- Communication needs to be focused between the staff member and the Person with LEP, NOT the staff member and interpreter. Staff need to direct questions and comments to the individual being served. *Tip: Have the interpreter sit behind the person with LEP.*
- If you do not believe you are getting enough information during a contact, ask the interpreter to re-phrase your questions to clarify.

Translation of Written Materials

- Translation is the replacement of a written text from one language into an equivalent written text in another language.
- It is important to ensure that the person translating materials is well qualified.

Translation of Written Materials

- Written material **must** be translated into regularly encountered languages other than English spoken by a ***SIGNIFICANT NUMBER OR PERCENTAGE OF THE POPULATION ELIGIBLE TO BE SERVED.***

What is a significant number?

At least 5% of the population or 1000 people, whichever is less.

What must be translated?

All Vital Documents

Translation of other documents, if needed, can be provided orally.

Translation of Written Materials, cont'd

- As used here, a “**vital document**” is one that service applicant or person served:
 - must be provided with by federal or state law
 - and be able to respond to
 - Examples of information that is “vital” includes:
 - Consent and Complaint forms
 - Notice of eligibility criteria
 - Notice of denial, termination, reduction of services
 - Ability to Pay determinations
 - Applications to receive benefits or services
 - Plan of Service documents

Translation of Written Materials

Written notice of the right to receive competent oral translation of written materials must be provided for all language groups.

All vital documents in the Southwest Michigan Behavioral Health must be available in English or Spanish (written versions).

If at any time a staff person identifies a need for a vital form or document to be translated into Spanish please contact Customer Services at CMHSAS-SJC.

Other Written Translations

- Documents that are not used throughout the SWMBH may be translated by the individual provider at their discretion and cost.

Documentation of LEP Activities

- All providers must inform individuals served that interpretation is available at no cost to them.
- All relevant documents must be made available in alternate format if requested, and the offer to provide them ***SHOULD BE CLEARLY DOCUMENTED IN THE CLINICAL RECORDS.***
- The language choice of the applicant/person served should be clearly shown in the clinical record.

EXAMPLES OF PROHIBITED PRACTICES

- Service that is more limited in scope/lower in quality
- Lack of translation (into Spanish) for vital documents
- Unreasonable delays in delivery of services
- Services that are not as effective
- Failing to inform Persons with LEP of the right to receive free interpreter services
- Requiring Persons with LEP to provide their own interpreter

“THEY’RE IN THIS COUNTRY, THEY OUGHT TO SPEAK OUR LANGUAGE!”

- Q: What is the “official” language of the United States?
- A: There is no official language of the United States.
 - Some cities have passed “official” language laws.

Office of Civil Rights (OCR) Review

- OCR will assess compliance on a case by case basis and will take into account:
 - the size of the covered entity
 - the size of the eligible LEP population it serves
 - the nature of the program or service
 - the objectives of the program
 - the total resources available to the covered entity
 - the frequency with which languages are encountered
 - the frequency with which Persons with LEP come into contact with the program

OCR Review

Failure to implement one or more of the previously mentioned elements does not necessarily mean noncompliance with Title VI. If implementation of one or more of these options would be so financially burdensome as to defeat the legitimate objectives of a covered entity's program, or if there are equally effective alternatives for ensuring that Persons with LEP have meaningful access to programs and services, OCR will not find the covered entity in noncompliance.

Telephone Contact for Persons who are Deaf or Hard of Hearing

- If callers to a provider within the Southwest Michigan Affiliation are hearing-impaired, hard-of-hearing, or speech-impaired and use a keyboard device or Teletypewriter (TTY), the Affiliation is recommending use of the Michigan Relay Center (MRC). Callers should **dial 7-1-1 or 1-800-649-3777** and give (tell) the operator the number they are trying to reach.
- More information about MRC is available at www.michiganrelay.com.
- Each local CMH has TTY equipment available to contact the agencies directly. Callers should indicate their preferred contact method.

For Assistance Finding an Interpreter

**Community Mental Health of St. Joseph
County, Customer Services
269-467-1000, ext 340**