

Limited English Proficiency



Objective

This training is designed to make you familiar with helping persons with Limited English Proficiency. This is usually referred to as simply “LEP.”

Limited English Proficiency is defined as:

The inability to speak, read, write or understand English at a level that permits effective interaction with health care providers and social service agencies.



First and Foremost

- Treat every person who receives services with dignity and respect, regardless of his/her ability to speak English.
- Do not try to assess whether the person receiving services could speak English if he or she wanted to. If and when this may be appropriate, it should be a planned, clinical test.
- Discrimination is defined as unfair treatment of a person or group on the basis of prejudice. Realize that it **need not be intentional** to be illegal. Agencies have a clear legal obligation to avoid it.



English
as Second
Language

Our Intent

- Our intent is to set and implement all of our access standards, conduct all of our programs, and run our agency in a manner that recognizes the language limitations our current and potential recipients may have.
- We do not treat people receiving services equally – some need more help in one area than another. Some can be expected to need more help with communication than others.
- It is our intent to be both willing and prepared to help those to whom language may be a barrier when obtaining necessary treatment and support.

Legal Basis for LEP

- There is no single “Limited English Proficiency” law we can look up. It’s a combination of existing laws, sets of regulations and court decisions.
- The key factor to remember is that LEP compliance is a legal obligation based on a history of several laws, regulations and court decisions. You are not required to remember the exact dates and titles of each of these – only to know that they add up to a legal obligation on the part of our organization.

English

- **Fact:** English is not the “official” language of the United States; there is no “official language”. It has been brought up from time to time, but no law has ever been passed. In fact, various movements have sought to institute Hebrew, Greek or German as an official language.
- Granted, at this point in history, English is the most common language spoken in the United States – but it is not a legal standard.

United States: Languages

U.S. Census data (2005) shows that while 81% of people across the **United States** speak English, languages other than English are spoken by 19%.

While at least 28 states have designated English as their official language, Michigan is not among them.

U.S. Census Data (2005) shows that while 91% of people in **Michigan** speak English, languages other than English are spoken by 9%.

Legality

- Title VI of the Civil Rights ACT of 1964 requires 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.
- The courts have determined that **discriminating against a person based on language is the same as discriminating against them based on nationality.** We receive federal financial assistance, and therefore, we are bound by LEP standards.

Meaningful Participation

Meaningful participation: Basic requirements under Title VI state that our organization's procedures and practices cannot restrict "meaningful participation" by a person with LEP.

Meaningful participation goes beyond allowing someone to attend functions.

We are required to examine our practices to ensure they do not create unintended barriers to access by people with LEP.

Meaningful Participation (Continued)

“Meaningful participation” means that a person must have access to equally effective treatment.

For example, it may be difficult for a non-English speaking individual to participate in a group therapy session, even with a competent interpreter present given the logistics of the interpreter keeping up by translating every idea expressed by every member and not getting behind.

In that instance perhaps individual therapy with the interpreter present might be a better substitution.

Interpreters

Persons with LEP have the right to language assistance at no cost to the individual. Interpreters must follow confidentiality requirements, and be competent in:

- The language spoken by the person receiving services
- English
- The terminology appropriate to the occasion

Interpreters (Continued)

Do not suggest, expect, or allow minors, other people receiving services, or relatives to act as an interpreter – even to make an appointment.

The fact that someone is a healthcare recipient is protected information under HIPAA and cannot be discussed without the person's permission, which you cannot access unless you have communicated with him or her first. The exception to this rule is a person with LEP in a case of emergency.

Example: A person presents to you with their 10 year old child who tells you that the mother is saying she is threatening to kill herself. Then, you may use the child to get some immediate help for the mom while you seek other interpretation solutions.

Document

- Clearly document any instance when you believe the circumstances warrant use of an interpreter with whose qualifications you are not familiar.
- If you must use a family member as a translator, document **every** occasion when a friend of the person receiving services, or a family member is used as an interpreter. Did the person make the decision, after being clearly informed that they have a **right** to **free** language assistance?

“I Speak Cards”

- Each agency site has a small notebook containing “I Speak Cards”. This notebook is intended to help staff interact more effectively with people who are unable to communicate in English well enough to indicate what language they speak. **Know the location of this notebook at your site.**
- The fact that people may not be able to speak English does not mean they cannot read their native language. They may be able to select the page written in their language. There are a few simple phrases on each card written in both the particular language and in English.

“I Speak Cards” (Continued)

- Each page includes statements of a person’s legal right to the services of an interpreter at no cost to them.
- The back of each page has a statement intended to allow you to communicate your understanding of the person’s need for an interpreter. Without this, it may not be clear to them that you understand the problem and are trying to reach an interpreter.
- You must never suggest people bring their own interpreter and you must not suggest they allow a minor or another person who is receiving services to interpret for them. This would be a clear violation of their civil rights and may subject both you and your agency to legal action.

Utilizing Language Services

Contracts are in place to assist with interpreting/language services as needed. Interpreting services are available for the deaf/hearing impaired through a variety of sign language interpreters. Contact a Contract Manager at your agency for a current list of interpreters.

Only authorized staff may contact *Voices for Health* for in-person services. Contact a Contract Manager for current contact information and an authorization number.

Utilizing Language Line

To utilize Language Line, follow the below steps:

1. Call Language Line at 1-866-874-3972
2. Use Client ID # 208248
3. Use the appropriate code:
Sanilac: 76
4. Notify the Language Line Contract Manager. The Contract Manager will need the date, time, and length of call.
5. The Contract Manager will ask you to verify that interpreting services were provided upon receipt of the invoice, and then will bill the appropriate county for reimbursement.

Final Thoughts

- Discriminating against a person based on the language they speak is the same as discriminating against them based on their nationality - Even if a person knows how to speak English, we cannot require them to conduct business in English and must provide an interpreter (at no cost to the individual) if requested.
- “I Speak” cards are used to identify the language spoken by someone who cannot tell you what language they speak.
- Minors and/or relatives should never be used as interpreters, except in an emergency situation.
- LEP standards include protections not just for speaking, but for poor hearing or limited sight as well.
- Interpreters must be competent in the terminology used, confidentiality requirements, and the languages spoken by both parties.

If you do not know where the “I Speak” cards are located in your agency, ASK SOMEONE!

Exit Course and Take Exam

You have reached the end of this course. Please click the “EXIT” tab in right hand corner of this slide to exit course and take exam.