



## Limited English Proficiency Plan

Effective Date: 05/01/2001

Board Approved: 06/26/2001

Last Reviewed and Updated: 02/2018

### Policy:

Aitkin County Health and Human Services (ACHHS) is committed to assuring equal access to services for all persons, regardless of race, color or national origin, including those persons with Limited English Proficiency (LEP). The following document will outline the strategies and procedures to be taken to ensure that persons receive the language assistance necessary to afford them meaningful access to their services, free of charge.

### Attachments:

All attachments have been removed as they are instructions for staff on how to use the Language Line Over-the phone Interpretation Service and Helpful hints for using telephone interpreters.

### 1. Background

Title VI of the Civil Rights act of 1964, 42 U.S.C. 2000d et.seq. and its implementing regulation at 45 CFR Part 80 provide 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. On August 30, 2000, the Department of Health and Human Services, Office for Civil Rights, issued a Policy Guidance on the Prohibition Against National Origin Discrimination as It Affects Persons with Limited English Proficiency. [65 Fed. Reg. 52762 (2000)].

This policy is created in response to Bulletin #00-89-4 from the Minnesota Department of Human Services, requiring each County Social Services Agency to develop and implement a plan to assure compliance with those federal requirements.

### 2. Definitions

**Interpretation:** a spoken or visual explanation provided to help two or more people who do not speak the same language to communicate with each other.

**Translation:** A written version of a document provided in a different language than the original document.

**Vital Documents:** According to the Office of Civil Rights, a vital document includes, but is not limited to, applications, consent forms, letters containing information regarding eligibility or participation criteria, notices pertaining to the reduction, denial, or termination of services or benefits, notices that require a response from beneficiaries, and documents that advise of free language assistance.

### 3. Assessment

ACHHS used the following mechanisms to assess unique language needs in Aitkin County:

- Local Agency Survey. Administrative staff indicated that the need for LEP services has historically been very limited. Most bilingual contact has been misdirected calls to our county. The following non-English languages have been identified as being the most likely to be encountered in Aitkin County: Spanish & Russian.
- School District Data: This data indicates that Aitkin County has few individuals with LEP.
- Other Data Sources. The Legal Aid office in Brainerd, MN reported no multilingual requests for Aitkin County in the last year.

As information becomes available through the Minnesota Department of Human Services or other resources, ACHHS will modify its policies and procedures as appropriate.

### 4. Needs for Language Assistance and Resources

**Case finding.** Specific language needs of each applicant with LEP will occur at the time of intake or application. This will primarily be done by reviewing the language preference questions on the DHS-3876 Minnesota Health Care Programs Application for Certain Populations, DHS-6696 Application for Health Coverage & Help Paying Costs, DHS-5223 Combined Application Form. If an Office Support Specialist or intake person on the Social Services staff suspects that an applicant is a person with LEP, the worker will present the LEP person with a card that lists the eight major languages in order to determine which language is involved, if any. Spoken and written language preference and interpreter request will be entered in the MAXIS and METS systems or noted on the Social Services application. Translated forms will be offered to anyone who wants or needs assistance.

**Point of Contact:** The highest likelihood of need for interpreter services will be at the intake of an application for financial assistance or social services. Currently, intakes are completed at the agency main office in Aitkin. Interpreter services may be necessary to complete an application for services, financial assistance or incoming phone calls. Another likely point of contact is field-based when conducting child protection or vulnerable adult assessments, commitment pre-screenings or nursing home pre-admission screenings. These contacts would typically occur in a medical setting or a person's home.

**Offering Language Assistance:** Staff will initiate an offer for language assistance to clients who appear to have difficulty communicating in English, or when a client asks for language assistance. Whenever possible, staff are encouraged to follow the client's preferences. For example, if a client wants a family member or friend to interpret rather than using an agency-contracted interpreter, staff should allow this if doing so will not violate the client's data privacy rights and the friend/family member can demonstrate that he/she is competent to interpret. The worker will need to document in the case file the circumstances for use of family or friends, particularly that the family was offered other interpreter services and that the client insisted that a family member or friend be used. Under no circumstances may minor children be used for interpreter services. Staff must offer free interpretation and/or translation services to persons with LEP in a language they understand, in a way that preserves confidentiality, and in a timely manner.

**Resources:** ACHHS will use the following resources to assist LEP clients:

- DHS-4739 Interpreter Cards in the eighteen most common languages will be available at reception desks and with all intake staff to assist clients in identifying their primary language.
- The Minnesota Department of Human Services has translated the most commonly used forms in multiple languages at <https://mn.gov/dhs/general-public/publications-forms-resources/edocs/> for all staff to access to support LEP individuals.
- AT&T Language Line Services, 1-800-367-9559, provides 24-hour phone interpretation services in over 140 languages.
- Other interpretation services vendors contracted with the Minnesota Department of Administration can be accessed as necessary. See Section V.B.3 for website information.

### **Assisting Clients That Do Not Read Their Language**

Staff must assist a client with LEP who does not read his/her primary language to the same extent as staff would assist an English speaker who does not read English.

## **5. Procedures for Using Interpretation**

### **Verification of Client's Identity**

ACHHS staff should continue the existing practice of verifying the identity of the client before releasing case specific information. Bilingual staff, Language Line staff, or other private companies providing interpretation or translation services through contracts with the State (hereafter called "contractors") may be used in making verifications.

### **Language Assistance Resources-Order of Preference**

As much as possible, staff should use the language assistance services in the order set out below. Please check with your supervisor before using any service other than internal bilingual staff.

- Bilingual Staff

Aitkin County currently does not employ any bilingual staff.

- Telephone Interpreter Services

Staff should use the AT&T Language Line Services for interpreter assistance when a bilingual staff person familiar with that language is not available. Attachment 1 contains information on how to access the Language Line. Attachment 2 contains helpful hints on how to use telephone interpreters.

- Using Family and/or Friends as Interpreters

Staff are asked to accommodate clients' wishes to have family or friends serve as interpreters whenever possible. However, staff must keep in mind both client confidentiality and interpreter competency and should follow the rules set below.

ACHHS may expose itself to liability under Title VI if it requires, suggests, or encourages a client with LEP to use friends, minor children, or family members as interpreters because they may not be competent to serve in that role. They may not be proficient enough in both languages, may lack training in interpretation, and/or have little familiarity with specialized program terminology.

Use of family or friends could result in a breach of confidentiality or reluctance on the part of clients to reveal personal information critical to their situations.

If a client still prefers a family member or friend to interpret after the offer of free interpreter services by the county, they may be used as long as doing so does not compromise the effectiveness or confidential nature of the communication. Staff should document their offer of interpreter assistance and the client's decision to decline the service in the case file.

Bilingual staff or contracted interpreters should be used in circumstances where a client is giving information that may negatively impact his/her eligibility for services—e.g. deadlines or certifications. They should also be preferred in situations where a client must answer complicated or detailed questions. Although these situations can be handled by family or friends, they should also be referred to bilingual staff, Language Line or contractors for follow-up calls or letters.

- Minor Children as Interpreters

Staff should never use minor children as interpreters.

## **6. Notice of Rights to Language Assistance**

ACHHS will use "I Speak" cards and prominently displayed "I Speak" information to inform all clients of the availability of free interpreter services. The public will be informed that free interpreter services will be provided in a timely manner and during regular business hours.

## **7. Translation of Agency Forms and Documents**

### **State Produced Documents**

For Financial Services programs, the State has translated many documents into multiple languages. These forms can be found at <https://mn.gov/dhs/general-public/publications-forms-resources/edocs>.

### **Local Agency Documents**

ACHHS will translate vital documents and relevant information into non-English languages when a significant number or percentage of the population eligible to be served needs documents in that language in order to communicate effectively. ACHHS has determined that the significant number that will trigger translation is 1000 individuals within an LEP language group. Vital documents are defined in section II of this policy.

## **8. LEP Training for Staff**

ACHHS will distribute the LEP policy/plan to all staff so they can learn the policies and procedures required to make language assistance available to clients with LEP. All staff with ongoing client contact will be informed of the policy at their unit meetings. New employees will receive information regarding LEP and a copy of the policy during new employee orientation.

LEP training will include information on the following topics:

- The legal obligation to provide language assistance to clients with LEP
- The substance of Aitkin County LEP plan
- Process to access language assistance services
- Tips on working with interpreters
- How to properly document information about a client’s language needs in the case file

**9. Monitoring of the LEP Plan**

An annual evaluation of the LEP plan will include the following activities:

- Assessment of the numbers of persons with LEP in the service delivery area
- Determination if existing language assistance services are meeting the needs of clients with LEP
- Annual training with staff to ensure knowledge of the county’s LEP plan and processes, how to carry them out and whether language assistance resources and arrangements for those resources remain current and accessible.
- Seeking feedback from LEP communities, including clients, community organizations and advocacy groups working with local LEP communities, about the effectiveness of the LEP plan.

**10. Availability of LEP Plan to the Public**

The LEP plan will be available to anyone on request. The “I Speak” information in the lobby of ACHHS will inform the public of their right to request a copy. The LEP plan will be in English, translation will be made available on request at no charge for anyone wishing to read it.

**11. Responsible Authority/Complaint Process – Contract Persons**

Each division within ACHHS is responsible for implementing the LEP plan in its area. The contact persons designated to provide technical assistance and respond to inquiries and complaints from the public are listed below. ACHHS will use existing civil rights complaint resolution procedures to resolve any LEP-related disputes/complaints. The LEP Coordinator will provide information about this process to all clients with a complaint. The information will be in a language that they will understand.

<b>LEP Coordinator</b>	Human Services Director	218-927-7200
<b>Social Services Contact</b>	Social Services Supervisor	218-927-7200
<b>Financial Assistance Contact</b>	Financial Assistance Supervisor	218-927-7200