



Limited English Proficiency

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Designation Statement

The Pennsylvania Medical Society designates this enduring material for a maximum of one (1) *AMA PRA Category 1 Credit*[™].

Physician should claim only the credit commensurate with the extent of their participation in the activity.

Learning Objectives

- **At the conclusion of this activity, the physician should be able to:**
 - **Discuss the regulatory requirements regarding providing services to patients with Limited English Proficiency (LEP)**
 - **Explain the different ways of providing Language Assistance Services**
 - **Prepare and operationalize a Limited English Proficiency plan**
 - **Use best practices in a Limited English Proficiency plan**

Definitions/Concepts

- **Limited English Proficiency (LEP)**
 - A Limited English Proficient Person has a first language other than English and a limited ability to read, write, speak, or understand English.
- **National Origin Discrimination** includes discrimination on the basis of Limited English Proficiency.
- **Recipient**
 - Any “entity” (e.g. agency; program) that receives financial assistance from the Federal government

Federal Regulations

Title VI of the Civil Rights Act of 1964

- Provides that no person shall “on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”
- Prohibition against national origin discrimination affecting limited English proficient persons

Federal Regulations

Executive Order No. 13166

“Improving Access to Services for Persons with Limited English Proficiency”

- Signed by President Clinton on August 11, 2000
- Order stated that those persons with Limited English Proficiency (LEP), as a result of national origin, should have meaningful access to federally conducted and federally funded programs and activities
- Intent of the Order was to improve access to these federal programs

State Regulations

Pennsylvania Title VI of the Civil Rights Act of 1964

- Provides that doctors and agencies getting federal money make language services available to people who do not speak or understand English well enough to access services
- Medical Assistance physicians must give free access to an interpreter to all people who need an interpreter in order to access medical care

Civil Rights Center Policy Guidance

CRC Guidance issued May 29, 2003

- Policy Guidance document written by Civil Rights Center (part of the Dept. of Labor) to help recipients carry out the responsibilities/regulations of Title VI and the Executive Order
- Guidance specifies that Recipients are to take reasonable steps to ensure meaningful access to programs, services, and information, free of charge
- Recipients are to start with a 4-Factor Self Assessment in order to provide “meaningful access”

4-Factor Self Assessment

- 1) The number or proportion of LEP persons served or encountered in the eligible service population.
 - The more people with LEP, the more language services needed

- 2) The frequency with which LEP individuals come in contact with the program.
 - The more frequent the contact with LEP persons, the greater the need for language assistance tools (e.g. translators; interpreters)

4-Factor Self Assessment

- 3) The nature and importance of the program, activity, or service provided by the recipient
 - The more important, the more likely high quality and timely language services are needed
 - Consider the consequences to the LEP person if communication is not effective
- 4) The resources available to the recipient to provide language assistance services

Ways to Provide Language Assistance Services

- **The Guidance also spells out that Recipients have two ways to provide Language Assistance Services:**
 - **Oral Interpretation**: The act of listening to something in one language (source language) and orally translating it into another language (target language).
 - **Written Translation**: The replacement of a written text from one language into an equivalent written text in another language.

Written Translation

- **Documents that are important to be translated are those considered vital to the meaningful access to services by LEP patients.**
- **These document types include:**
 - **Consent and compliance forms**
 - **Intake forms with potential for important health consequences**
 - **Discharge instructions, prescriptions, and research protocols**
 - **Notices of eligibility criteria or rights**
 - **Notices advising LEP persons of free language assistance**

Safe Harbor Provision

CRC Guidance also covered Safe Harbor provisions:

- If 5% or 1,000 (whichever is less) of population is LEP, vital documents must be translated.
- However, if 5% represents fewer than 50, then written notice of free written translation upon request must be provided.



Creating an LEP Plan



Preparation of an LEP Plan

- LEP Plan addresses the identified needs of the LEP population served by the recipient and sets clear goals
- Consider each stage in your process, beginning with the initial contact with the LEP person, and identify each step through to the end of the process.
- Anticipate clients with low literacy levels, including those that are not literate in their native language. Translating a form doesn't always address the whole issue.

Preparation of an LEP Plan

“A Patient-Centered Guide to Implementing Language Access Services in Healthcare Organizations”

- On the Office of Minority Health website
- A guide that is intended to help healthcare organizations implement effective language access services to meet the needs of their LEP patients, and increase their access to health care

<http://minorityhealth.hhs.gov/Assets/pdf/Checked/HC-LSIG.pdf>

Preparation of an LEP Plan

- This guide contains a flowchart, Exhibit I-2, which summarizes the various points of contact and the steps in the guide that may be relevant to each points of patient contact.
- Access the flowchart on page 19 of "*A Patient-Centered Guide to Implementing Language Access Services in Healthcare Organizations*" [PDF, 2MB]

Elements of an LEP Plan

5 Elements of an LEP Plan (per CRC Guidance)

- Identify LEP individuals who need language assistance.
- Providing language assistance services at no cost to the enrollee.
- Training for staff.
- Notifying LEP persons of their rights.
- Monitoring and updating the LEP Plan.

Elements of an LEP Plan

- Identify LEP individuals who need language assistance
 - Develop a demographic profile of the population served or likely to be served by the program
- Providing language assistance services
 - Apply the “4-factor” analysis at all points of contact
 - A set of language identification cards are available on the www.lep.gov website under the heading for “Multilingual Materials”.

<http://www.lep.gov/resources/ISpeakCards2004.pdf>

Elements of an LEP Plan

- **Training for staff**

- The Recipient takes reasonable steps to ensure that staff understands the policy and plan, and is capable of carrying them out .
- You may want to include this training as part of the orientation for new employees.
- Identify time frames and who is responsible for in-service staff training.

Elements of an LEP Plan

- **Notify LEP persons of their rights**
 - Notice should state what services are available and free of charge
 - Notice should be written in a language that the identified LEP groups will understand
 - Methods include:
 - ❖ Posting signs in intake areas
 - ❖ Working with community-based organizations
 - ❖ Using a telephone voice menu in the most common languages
 - ❖ Publishing notices in local newspapers
 - ❖ Sample notice signs can be found on www.lep.gov

Elements of an LEP Plan

- **Monitoring and updating the LEP Plan**

- Without monitoring there is no way to know if your access plan is working (“Fire drill exercise”)
- Ensure that adequate level of services is being provided.
- Ensure that the services provided are keeping up with the demand.

Some Good Ideas



LEP Plan – Best Practices

- Foster collaborative relationships with community based organizations, advocacy, and volunteer groups
 - Refer clients when appropriate
 - Keep organization lists current
- Promote your services through your web page, ensuring it provides for translation into other languages
- Utilize telephone translation lines and onsite translation service companies

LEP Plan – Best Practices

- **Employ bilingual or even multi-lingual employees**
- **Develop a directory of bilingual employees at other facilities**
- **Designate a LEP manager or coordinator with responsibility for assisting in developing and implementing the LEP plan**
- **Establish a LEP policy statement and distribute to your staff and public**

LEP Plan – Best Practices

- Post all general signs in common areas in English and translated into other languages.
- Conduct orientation sessions in English and other languages.
- Use videos to present orientation or other information
- Make telephone menus and call-in services available in other languages.
- Offer tuition assistance for language courses, or other incentives for employees to learn another language.

Suggested Resources

- www.lep.gov
- www.dol.gov/oasam/programs/crc
- www.dol.gov
- www.justice.gov/crt/cor/index.php
- <http://minorityhealth.hhs.gov/Assets/pdf/Checked/HC-LSIG.pdf>
- [http://patientsafetyauthority.org/ADVISORIES/AdvisoryLibrary/2011/mar8\(1\)/Pages/26.aspx](http://patientsafetyauthority.org/ADVISORIES/AdvisoryLibrary/2011/mar8(1)/Pages/26.aspx)

The End

