

Commonwealth of Kentucky

Cabinet for Health and Families Services

Procedures on Providing Language Access to Customers with Limited English Proficiency (LEP)

The procedures below apply to all Cabinet organizational units and all services that are provided by the Cabinet to Customers with limited English proficiency (LEP).

Background on Statute and Regulation

Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. Section 2000d et. seq. states: “No person in the United States 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.”

In August 2000 President Bill Clinton signed Executive Order 13166, requiring all federal funding recipients to provide language access to people with limited English proficiency. Because the Cabinet receives federal funds, we cannot, based on national origin:

- deny services, financial aid, or other benefits;
- provide different services, financial aid or other benefits, or provide them differently from those provided to others in the program; or
- segregate or treat individuals separately in any way in their receipt of any service, financial aid or benefit.

Department/Office Responsibilities

To ensure that services are delivered to customers identified as having limited English proficiency (LEP), Cabinet agencies shall be required to:

1. Post multi-lingual signs in all waiting and intake areas to explain to LEP customers that an interpreter will be provided for them at no cost to them.
2. Use “I Speak” cards or the language identification service provided through Language Line, Inc. at the initial contact to invite people with limited English proficiency to identify their primary language.
3. Identify each LEP customer and record the primary language of such customer.
4. Ensure that all interactions with LEP customers are reported using the online LEP Interaction Tracking Form.
5. Use only interpreters who have been deemed qualified by CHFS in accordance with the “Cabinet for Health and Family Services Language Access Section Procedures on Qualifying (Oral) Interpreters” and ensure that interpreters are provided at no cost to the customers. (See page 3 for procedures on how to obtain a qualified interpreter.)
6. Ensure that no unreasonable delay in services occurs during this process.

7. Provide translated copies of essential program forms and documents to LEP clients. If such forms and documents are not already available, contact the Language Access Section to coordinate the translation of such documents (See page 3).
8. Stipulate in service contracts that contractors are responsible for language services needed to serve LEP customers.
9. Ensure that staff is trained on cultural competency, effective communication and the use of interpreters/translators.
10. Monitor compliance in each office to ensure that proper procedures are followed.
11. Monitor compliance of contractors to ensure that proper procedures are followed.

Worker's Responsibilities

Even those customers who may speak and appear to understand some English may not necessarily have the skills to understand their rights and responsibilities, letters, and other forms of communication provided to them as recipients of the Cabinet's services. Staff must identify customers who need language assistance and identify the customer's primary language.

Staff must follow the procedures below to ensure that customers with limited English proficiency receive adequate service:

1. Intake workers must identify the customer's primary language at first contact, note in the case/electronic file, and if applicable and compatible, flag the case documentation as **LEP** so language services can be provided to the customer at no cost and without unreasonable delay. This will also alert staff of customers with limited English proficiency when they make in-home visits or have future contact with such customers.
2. Language needs must be identified on all referrals for customers with limited English proficiency to other departments, divisions, or agencies.
3. Inform customers with limited English proficiency, including walk-ins, of their right to interpretation (verbal) and translation (written) services at no cost to them and without unreasonable delay.
4. Provide translated copies of essential program forms and documents to LEP clients. If such forms and documents are not already available, contact the Language Access Section to coordinate the translation of such documents. (See page 3.)
5. Assure customers with limited English proficiency that they have the same safeguards of confidentiality as English proficient customers.
6. Help customers with limited English proficiency understand and complete forms as you would any other customer. (Customers with limited English proficiency, just like many non-LEP customers, may have learning disabilities, cognitive problems or may be illiterate in their native languages.)
7. Any time Cabinet staff serves an LEP client or uses the services of an interpreter, information about that interaction is to be recorded on an online LEP Interaction Tracking Form. This online form also should be used when CHFS staff is unable to provide services due to language barriers. The online LEP Interaction Tracking Form is a CHFS Intranet application that can be accessed at <https://webapp.chfsnet.kv.gov/lep/>

Procedures For Accessing Qualified Interpretation (Oral) Services

The services of a qualified interpreter shall be utilized if requested by the customer or if staff is unable to communicate with the customer well enough to provide quality services, even if the customer states that he or she does not need an interpreter.

Cabinet for Health and Family Services Staff (including staff of contract vendors) shall not require or suggest that customers with limited English proficiency use friends, children, or family members as interpreters because this could compromise service effectiveness and result in breach of confidentiality. However, if the person with limited English proficiency declines free service and asks to use a relative or friend, staff must document in the customer's file that the offer was declined and then require that a qualified interpreter monitor the interaction, either via telephone or in-person, to ensure accurate interpretation during the interview process.

Qualified interpretation services must be provided to all LEP customers without unreasonable delay and at no cost to them. Applications for services or the provision of services should not be delayed due to limited English proficiency. Clients should not be asked to return when an interpreter is available. Qualified interpretation services must be provided in a timely manner.

The resources below should be accessed in the order in which they are listed as appropriate based on the following:

- Need: Staff should determine which resource to use based upon the language of the LEP customer and whether in-person or telephone interpreting is needed.
- Availability: Staff should move through the appropriate resources as quickly as possible so as to ensure timeliness of service.
- Cost: Interpretation services should be provided in the most cost effective manner possible without compromising the timeliness of services. Efforts should be made to access internal resources as appropriate before external resources are utilized.

All contact and/or reference information for each of these resources can be accessed through the CHFS intranet at: <http://chfsnet.ky.gov/afa/ohrm/dem/lep/interpreters.htm>

1. If a Spanish-speaking interpreter is needed and over-the-phone interpreting is appropriate, contact the Language Access Section.
2. If your local office or region has a staff person who has been deemed qualified as an interpreter and who is available to assist you, you may contact that individual to provide either telephone or in-person interpretation as appropriate.
3. If the language needed is other than Spanish OR if in-person interpretation is needed regardless of the language, contact an appropriate Qualified Community Partner from the list maintained by the Language Access Section. Note: Some Qualified Community Partners also provide telephone interpretation in Spanish and may be utilized for that purpose if internal or less costly resources are not available.
4. If none of the above are available without unreasonable delay or if the language is other than Spanish and over-the-phone interpretation is appropriate, access Language Line, Inc. according to the instructions available from the Language Access Section.

Procedures For Accessing Qualified Translation (Written) Services

All requests for written translations, regardless of the target and source languages, must be submitted to the Cabinet's Language Access Section. To maintain efficiency, each department/office has designated a contact person that all requests and finished products flow through. Staff must submit their translation requests, accompanied by the "Language Access Section Translation Request Form," to their departmental contact person. The contact person will then forward the request to the Language Access Section Supervisor. The "Language Access Section Translation Request Form" and list of department/office contacts is available on the CHFS intranet at: <http://chfsnet.ky.gov/afa/ohrm/dem/lep/translation.htm>.

Contractor Responsibilities

As sub-recipients of federal funds through the Cabinet and to ensure that services are delivered to customers identified as having limited English proficiency (LEP) when delivered by a contracted vendor, Cabinet contractors are required to ensure meaningful access by providing language assistance services that result in accurate and effective communication at no cost to LEP clients, patients, and/or beneficiaries. Such language assistance services are to be provided in accordance with the guidelines set forth in the U.S. Department for Health and Human Services "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons." The Language Access Section of the Cabinet is available to assist contracted vendors in identifying and developing appropriate language assistance measures.