

Limited-English-Proficient (LEP) Persons Policy

POLICY:

It shall be the policy of the Lakeshore Regional Partners (LRP) and its contracted providers that they shall provide at no cost to the client accurate and timely language assistance and effective communication to limited-English-proficient (LEP) persons, including current and prospective patients/clients, family, and other interested persons to ensure them equal access to services. The procedures outlined below will ensure that information is communicated to LEP persons in a language that they understand. This policy maintains standards that insure compliance with the Title VI Civil Rights Act of 1964.

PURPOSE:

LRP will periodically identify the non-English languages that are most commonly encountered other than English in its regional service area (the counties of Allegan, Berrien, Cass, Muskegon, and Ottawa). The LRP utilizes census data, client admission data, and other data from school systems, community agencies and other organizations. The language needs of each LEP person shall be identified by the provider, and this information recorded in the client's file. Providers shall identify the points of contact in the program or activity where language assistance is likely to be needed and will identify the resources that will be needed to provide effective language assistance. The LRP will assist providers in identifying the location and availability of these resources, and the arrangements that must be made to access these resources in a timely fashion.

APPLICATION:

This policy applies to all CMHSP contracted organizations that provide substance abuse services to the public.

DEFINITIONS:

Service Provider: Contracted or subcontracted providers of the network panel for substance abuse treatment and/or prevention services.

Limited-English-Proficient Person (LEP): A person whose primary language or dialect is one other than English, and who has difficulty speaking and/or comprehending the English language such that it limits his/her ability to participate in, and benefit from, services communicated in English.

Qualified Interpreter(s): A person(s) fluent in English and the required language of the recipient who can accurately speak, read, and readily interpret the necessary second language; who possesses fundamental knowledge in both languages of any specialized terms or concepts

peculiar to the recipient's covered entity program or activity; is sensitive to the LEP person's culture; has a demonstrated ability to accurately convey information in both languages; and performs interpretation services for non-related individuals on a contractual basis.

Office of Civil Rights: A Federal office under the division of the United States Department of Human Services that is charged with enforcement of the laws under Title VI of the Civil Rights Act of 1964, which prohibits discrimination against persons with LEP.

PROCEDURE:

When a Limited-English-Proficient (LEP) client calls for treatment services, the provider or CMHSP Access Center may conduct a 3-way call with the client, using one of the professional telephone language lines that provide an interpreter. The interpreter conveys the assessment information to the client (LEP). Contact your local CMHSP Access Center to find out which interpretation service is supported

Whenever an interpreter is needed on an ongoing basis, the provider is responsible for contacting one of the in-person or telephone-based resources as appropriate. It is the service provider's responsibility to make a reasonable attempt to secure interpreter arrangements for any client who needs this service in order to participate in the treatment or prevention services of the provider.

The LRP ensures that in each provider's contract there is a notice about the use of interpreters. The interpreter service is to be provided at no cost to current and prospective clients, involved family members, and other interested persons to facilitate access to substance abuse services in their chosen language, for those languages most commonly encountered other than English. The most common other language in West Michigan is Spanish. Other languages may be required on a local or incidental basis.

Family members or friends of the LEP person shall not be used as interpreters for treatment services unless specifically requested by the LEP person and the client has been offered an outside interpreter. Such an offer and the response of the LEP person to that offer must be documented in the LEP person's case record in the "progress notes" section. Whenever an LEP person refuses the offer of an outside interpreter and prefers to use a family member or friend, the "progress notes" must document the family member's/friend's name, relationship, and include confirmation that the family member/friend is not a minor. The "progress notes" documentation must be completed in an LEP person's file for each individual offer of an interpreter, or in a log that includes every contact with LEP persons who are not yet clients.

If an LEP person elects to use a family member or a friend as interpreter but the service provider or CMHSP suspects that the use of this family member or friend could compromise the effectiveness of services or violate the LEP person's confidentiality, the CMHSP may still suggest

that a trained interpreter sit in on the encounter to ensure accurate interpretation. The CMHSP or its providers' staff shall, under no circumstances, ask an LEP person to bring in his/her own interpreter or use a minor or another client to interpret for the LEP person. Professional interpreter services must be offered and arranged if accepted.

Billing for the use of a trained/qualified interpreter must be entered in the ProviderConnect System and a copy of the Trading Partner Agreement must be submitted to the CMHSP.

WRITTEN MATERIALS:

CMHSP-provided written materials will be translated for each LEP group of 10% or 3,000 (whichever is less of the eligible/county population). There are no language groups meeting this classification locally; only Spanish may meet it regionally. Vital documents will be translated for each LEP group of 5% or 1,000 (whichever is less) of the eligible population, e.g., consent forms, confidentiality forms, letters or notices about eligibility or any change in level of care, and medical or discharge information as needed. For each language group with fewer than 100 persons, providers shall provide written notice of the right to receive oral interpretation of written materials in the primary language of the group.

LEP Posters have been developed for providers and must be on public display at all provider sites.

Medicaid Information brochures and Know Your Rights booklets are available in Spanish. Each provider has an obligation to provide necessary translations of its own internal written materials. The LRP may, voluntarily, assist with translation of common forms used by multiple providers, if resources are available.

For clients who are unable to read or visually impaired all documents are to be read to them and documentation of that fact, as well as, documentation of the client's understanding of the document or policy should be entered into the case file.

LEGAL AUTHORITY REFERENCES AND ATTACHMENTS

Title VI of the Civil Rights Act of 1964

CMHSP Provider Contracts

CMHSP Translation Services Invoice