

Limited English Proficiency



**St. Clair County
Community Mental Health**

Providing Opportunities for Health, Wellness, & Connection

www.scccmh.org



Objective

Limited English Proficiency referred to as “LEP”.

➤ Limited English Proficiency is:

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

It is important to:

- Treat every individual who receives services with dignity and respect, regardless of his/her ability to speak English.
- Do not try to assess whether the individual 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 an individual or group based on prejudice. Realize that it **need not be intentional** to be illegal. Agencies have a clear legal obligation to avoid it.



Our Intent

- It is our intent is to set and implement all our access standards, conduct all our programs, and run our agency in a manner that recognizes the language limitations our current and potential recipients may have.
- It is also 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

What is the Legal basis for LEP?

- There is no single “Limited English Proficiency” law in place. Our Agency follows a combination of existing laws, sets of regulations and court decisions.
- Staff are not required to remember the exact dates and titles of each of these laws, regulations and court orders – only to know that our agency is legally obligated to be LEP compliant.



SCCCMH

Limited English Proficiency (LEP) Policy

- Our LEP Policy is 06-002-0015. The Policy States:
- St. Clair County Community Mental Health Agency (SCCCMHA) Board will take reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access and an equal opportunity to participate in our services, activities, programs and other supports.
- The policy of SCCCMHA is to ensure meaningful communication with individuals who have limited English proficiency and their authorized representatives involving their medical/behavioral health conditions and treatment.
- The policy also provides for communication of information contained in vital documents, including but not limited to, waivers of rights, consent to treatment forms, financial and insurance benefit forms, etc.
- All interpreters, translators and other aids needed to comply with this policy shall be provided without cost to the person being served, and individuals and their families will be informed of the availability of such assistance free of charge.



SCCCMH

Limited English Proficiency (LEP) Policy

- ❑ CMH LEP Policy is 06-002-0015 (Continued)
- ❑ Language assistance will be provided through use of competent bilingual staff, staff interpreters, contracts or formal arrangements with local organizations providing interpretation or translation services, or technology (i.e., video) and telephonic interpretation services.
- ❑ All staff will be provided notice of this policy and procedure, and staff that may have direct contact with individuals who have limited English proficiency will be trained in effective communication techniques, including the effective use of an interpreter.
- ❑ SCCCMHA will conduct a regular review of the language access needs of our population, as well as update and monitor the implementation of this policy and these procedures, as necessary.



Languages

- As of DEC. 7, 2023, according to the United States Census Bureau, over 78.3% of the nation age 5 and older spoke only English at home. Other languages other than English are spoken by 21.7% of the population.
- In Michigan it shows that while 89.5% of people speak English, languages other than English are spoken by 10.5% of people in Michigan. A breakdown of other languages spoke are:
 - Spanish - 3.3%
 - Other Indo-European languages - 3.1%
 - Asian and Pacific Islander languages - 1.7%
 - Other languages - 2.4%



Legality

- It is important to review the Recipients and Federal Government Executive Order 13166:

This Order, “Improving Access to Services for Persons with Limited English Proficiency,” directed federal agencies to:

- Publish guidance on how their recipients can provide access to LEP persons.
- Improve the language accessibility of their own federal programs.
- Break down language barriers by implementing consistent standards of language assistance across federal agencies and amongst all recipients of federal financial assistance. The Order covers all federal and federally assisted programs and activities.

Legality

It is equally important to review the Recipients Title VI of the 1964 Civil Rights Act.

- “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.” --42 U.S.C. § 2000d.

Legality

What can be considered as discrimination:

- Different treatment based on a person's inability to speak, read, write, or understand English may be a type of national origin discrimination.
- Another type of discrimination is Linguistic Discrimination. This is **discriminating against an individual based on language**, our agency receives federal financial assistance, we are bound by LEP standards.



Meaningful Participation

What is meaningful participation?

- Meaningful participation means that an individual must have access to equally effective treatment including an opportunity to participate in our services, activities, programs, and other benefits.
- 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, as it may be difficult for an interpreter to effectively translate everything said by each member of the group. In that instance, perhaps individual therapy with the interpreter present might be a better option.



Meaningful Participation

Meaningful participation (continued):

- ✓ Basic requirements under Title VI state that our agency's procedures and practices cannot restrict "meaningful participation" by an individual with LEP.
- ✓ Meaningful participation goes beyond allowing someone to attend functions.
- ✓ Our agency is required to examine our practices to ensure they do not create unintended barriers to access for people with LEP.

Interpreters

Individuals 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 individual receiving services
- ❖ English
- ❖ The terminology appropriate to the occasion



Interpreters

Interpreter guidelines:

- Do not suggest, expect, or allow minors, or other people receiving services to act as an interpreter – even to make an appointment.
- Family Members may act as an interpreter if it is the individual's choice and after they have been informed that an interpreter is available to them at no additional expense. Consent may be obtained over the phone interpreter services.
- The fact that someone is a healthcare recipient is protected information under HIPAA and cannot be discussed without the individual's permission, which you cannot access unless you have communicated with him or her first. The exception to this rule is an individual with LEP in a case of emergency.



Interpreters

An Example of when a child is appropriate to interpret for the person is:

Example: A non-English speaking individual presents to you with their 10-year-old child that speaks English. The child tells you that their mother is saying she is threatening to kill herself. Staff may use the child to get some immediate help for the mom while seeking other interpretation solutions.

Documentation

What should be documented in OASIS every time?

- An individual is informed that an interpreter is available to them at no additional charge
- An interpreter is utilized
- The individual declines an interpreter



“I Speak Cards”

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. These notebooks are located at the main reception area 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 language they speak and in English.



What is on the “I Speak Cards”

What is on the “I Speak Cards”:

- Each page includes statements of an individual’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 staff to communicate their understanding of the individual’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 individual 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

How to use language services:

- Contracts are in place to assist with interpreting/language services as needed. There are 2 Sign Language Interpreters and 1 Interpreter for Spanish speaking recipients.
- The current list of contracted interpreter services can be found in ADP under the tabs: – Resources – FAQs – Links and Resources. If you need further help, contact an agency contract manager for help.





Utilizing the LanguageLine App

The LanguageLine App is available. If needed, contact IT Dept. for installation on staff laptop. Once installed, directions will be given (including code) on how to use the app.

LanguageLine App users can request to be transferred to a male or female interpreter for video interpreting sessions. During video interpreting sessions, interpreters are able to transfer a call to another video interpreter in the requested gender.

Each sites clerical will also have instructions on how to use the LanguageLine App.

Language Line Solutions Poster

LanguageLine Solutions Interpretation Services Available

English Translation: Point to your language. An interpreter will be called. The interpreter is provided at no cost to you.

<p>American Sign Language 한국어 Point to your language. An interpreter will be called. The interpreter is provided at no cost to you.</p> <p>Arabic العربية أشير إلى لغتك. وسيتم الاتصال بمترجم فوراً. كما سيتم إعطاء المترجم التورى مجاناً.</p> <p>Bengali বাংলা আপনার ভাষায় হিন্দিক নির্দেশ করুন। একজন বোল্ডবীকে ডাকা হবে। চাড়াবী আপনিক নিখরচায় সাহায্য।</p> <p>Burmese မြန်မာစာ ထိုဘာသာစကားကို ဝင်္ကောက်ပြပါ။ ဝေဟနပြုပေးမည့် ဝေဟနပြုပေးသူသည် အခမဲ့ ဝေဟနပြုပေးပါမည်။</p> <p>Cantonese 廣東話 請指認您的語言，以便為您提供免費的口譯服務。</p> <p>Farsi فارسی زبان مورد نظر خود را مشخص کنید. یک مترجم برای شما درخواست خواهد شد. مترجم بصورت رایگان در اختیار شما قرار می گیرد.</p> <p>French Français Indiquez votre langue et nous appellerons un interprète. Le service est gratuit.</p> <p>Haitian Creole Kreyòl Lanng ou: ou sou lang ou pale a epi n ap rele youn entèprete pou ou. Nwa la ou sèvis entèprete la gratis.</p> <p>Hindi हिंदी आपकी भाषा को इंगित करें। निम्न अनुसंधानकर्ता आपके लिए मुफ्त में निम्न अनुसंधानकर्ता को भेजेंगे।</p> <p>Hmong Hmoob Taw rau koj hom tus. Yaw hu rau ib tug noog txhas lus. Yaw muaj noog txhas lus yam tus koj ibis lus. Thom dab ibi.</p> <p>Italian Italiano Indicare la propria lingua. Un interprete sarà chiamato. Il servizio è gratuito.</p> <p>Japanese 日本語 あなたの話す言語を指してください。無料で通訳サービスを提供します。</p>	<p>Korean 한국어 귀하께서 사용하는 언어를 지정하시면 해당 언어 통역 서비스를 무료로 제공해 드립니다.</p> <p>Mandarin 普通话 请指认您的语言，以便为您提供免费的口译服务。</p> <p>Nepali नेपाली आफ्नो भाषाको अक्षरानुसार एक टोमार्थलाई बोलाउनुहोस्। त्यहाँको कुनै खर्च बिना, एकजना टोमार्थ उपलब्ध गराइनेछ।</p> <p>Polish Polski Proszę wskazać swój język i wezwiemy tłumacza. Usługa ta zapewniana jest bezpłatnie.</p> <p>Portuguese Português Indique o seu idioma. Um intérprete será chamado. A interpretação é fornecida sem qualquer custo para você.</p> <p>Punjabi ਪੰਜਾਬੀ ਆਪਣੀ ਭਾਸ਼ਾ ਦੇ ਨਾਂ ਦਿਖਾਓ ਅਤੇ ਨਿੱਜ ਦੁਆਰਾ ਕੋਈ ਦੁਆਰੀਆਂ ਸੁਝਾਵਾਂ ਨਾ ਦੇਣਾ। ਟੂਰਡੇ ਲਈ ਦੁਆਰੀਆਂ ਦਾ ਮੁਫਤ ਸੇਵਿਕਾ ਸ਼ੀਤ ਜਾਂਦਾ ਹੈ।</p> <p>Romanian Română Indicați limba pe care o vorbiți. Vi se va face legătura cu un interpret care vă este asigurat gratuit.</p> <p>Russian Русский Укажите язык, на котором вы говорите. Вам будет вызван переводчик. Услуги переводчика предоставляются бесплатно.</p> <p>Somali Af-Soomaalii Farla ku. Ingilishdaada... Waxa laguugu yeeri doonaa turjubaan. Turjubaanka wax iscaqi kaaga bixi mayso.</p> <p>Spanish Español Señale su idioma y llamaremos a un intérprete. El servicio es gratuito.</p> <p>Tagalog Tagalog Ituro po ang inyong wikang Ingles. Ibigay ang pagkakaalok na libre sa nyo.</p> <p>Vietnamese Tiếng Việt Hãy chỉ vào ngôn ngữ của quý vị. Một thông dịch viên sẽ được gọi đến, quý vị sẽ không phải trả tiền cho thông dịch viên.</p>
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Final Thoughts

Final Thoughts:

- Discriminating against an individual based on the language they speak is the same as discriminating against them based on their nationality - Even if an individual 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 and LanguageLine sheets/posters 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 deaf/hearing impaired or limited sight as well.
- Interpreters must be competent in the terminology used, confidentiality requirements, and the languages spoken by both parties.

References

The following references were used:

- [Most Americans Speak Only English at Home or Speak English “Very Well” \(census.gov\)](https://www.census.gov)
- [Title VI Nondiscrimination \(michigan.gov\)](https://www.michigan.gov)
- [EGLE's Limited English Proficiency Plan \(michigan.gov\)](https://www.michigan.gov)
- [Limited English Proficiency \(LEP\) | HHS.gov](https://www.hhs.gov)
- [Summary of Guidance to Federal Financial Assistance Recipients Regarding Title VI and the Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons | HHS.gov](https://www.hhs.gov)
- SCCCMH LEP Policy 06-002-0015
- “I Speak” cards
- LanguageLine Solutions Poster posted throughout the building
- [LEP Brochure - August 2005](#)



The End

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.