

# LIMITED ENGLISH PROFICIENCY

*ACCOMMODATING PERSONS WITH LIMITED ENGLISH PROFICIENCY*



# OBJECTIVE

- This training is designed to make you familiar with helping persons with Limited English Proficiency, usually referred to as “LEP”



**Over 25 million  
individuals speak English  
less than very well**

**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.

# COMMUNICATION IN OUR LIVES

- Communication is the exchange of information and knowledge between people
- Communication can be:
  - Vocal (using voice)
  - Written (using printed or digital media)
  - Visual (using maps, pictures, or graphs)
  - Non-verbal (using body language, tone, pitch of voice, and gestures)

# COMMUNICATION IN OUR LIVES

- Communication allows persons served to express needs and desires and be full partners in their services
- Communication helps achieves goals planned in advance
- Good communication reduces conflicts and problems
- Communication is necessary in all aspects of life, including personal, professional, school, etc.

# FIRST AND FOREMOST

- Treat every person who receives services with dignity and respect, regardless of their ability to speak English.
- Do not try to assess whether the person receiving services could speak English if they wanted to (if and when this may be appropriate, it should be a planned **evaluation with trained professionals**).
- Discrimination is defined as unfair treatment of a person or group on the basis of prejudice (it does not need to be intentional to be illegal). Agencies have a clear legal obligation to avoid it.



English  
as Second  
Language

# OUR INTENT

- To set and implement all of our access standards, conduct all of our programs, and run our agency in a manner that recognizes the language limitations our current and potential recipients may have.
- We do not treat people receiving services equally – some need more help in one area than another. Some can be expected to need more help with communication than others.
- Be both willing and prepared to help those to whom language may be a barrier when obtaining necessary treatment and support.



# WHY LEP?

- Language can be a barrier to:
  - Accessing important benefits or services
  - Understanding and exercising important rights
  - Understanding other information provided by federally funded programs and activities

# BARRIERS TO LEP PERSONS ACCESSING OR OBTAINING SERVICES INCLUDE:

- Denial of needed benefits and services
- Delay in service delivery
- The wrong services are provided
- Ineffective services are provided

# LEGAL BASIS FOR LEP

- There is no single “Limited English Proficiency” law we can look up. It’s a combination of existing laws, sets of regulations and court decisions.
- The key factor to remember is LEP compliance is a legal obligation based on a history of several laws, regulations and court decisions. You are not required to remember the exact dates and titles of each of these – only to know they add up to a legal obligation on the part of our organization.



# LEGALITY

- Title VI of the Civil Rights ACT of 1964 requires no person shall be subjected to discrimination on the basis of race, color or national origin under any program or activity receiving federal financial assistance.
- The courts have determined discriminating against a person based on language is the same as discriminating against them based on nationality. We receive federal financial assistance, and therefore, we are bound by LEP standards.



# English language

## ENGLISH

- Fact: English is not the “official” language of the United States; there is no “official language.” It has been brought up from time to time, but no law has ever been passed. In fact, various movements have sought to institute Hebrew, Greek or German as an official language.
- Granted, at this point in history, English is the most common language spoken in the United States – but it is not a legal standard.

# UNITED STATES: LANGUAGES

- U.S. Census data (2005) shows that while 81% of people across the United States speak English, languages other than English are spoken by 19%.
- While at least 28 states have designated English as their official language, Michigan is not among them.
- U.S. Census Data (2005) shows while 91% of people in Michigan speak English, languages other than English are spoken by 9%.



# MEANINGFUL PARTICIPATION

- Basic requirements under Title VI state our organization's procedures and practices cannot restrict "meaningful participation" by a person with LEP.
- Meaningful participation goes beyond allowing someone to attend functions.
- We are required to examine our practices to ensure they do not create unintended barriers to access by people with LEP.



# MEANINGFUL PARTICIPATION (CONT.)

- “Meaningful participation” means a person must have access to equally effective treatment.
- 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 given the logistics of the interpreter keeping up by translating every idea expressed by every member and not getting behind.
- In that instance perhaps individual therapy with the interpreter present might be a better substitution.





# IDENTIFYING COMMUNICATION BARRIERS

- Communication barriers will be identified in the Person Centered Planning (PCP) process and included in the Individual Plan of Service (IPOS)
- Barriers can include the person served speaking a language other than English or not being able to speak at all or visual or auditory impairments

# IDENTIFYING NEEDED ACCOMMODATIONS

- The type of communication barrier and individual's skills/abilities/preferences will determine the needed accommodation.
- This will be identified in the PCP process and included in the IPOS.
- Accommodations can include an oral or sign language interpreter, speech therapist, audio tape materials, large print or braille materials, visuals and pictorial materials, or computer based materials.
- If you are unsure how to access accommodations for the person served, contact your supervisor.

# ORAL LANGUAGE ASSISTANCE

- Assistance for those who cannot verbally communicate
- Trained interpreters
- Timely assistance
- No cost

# INTERPRETERS

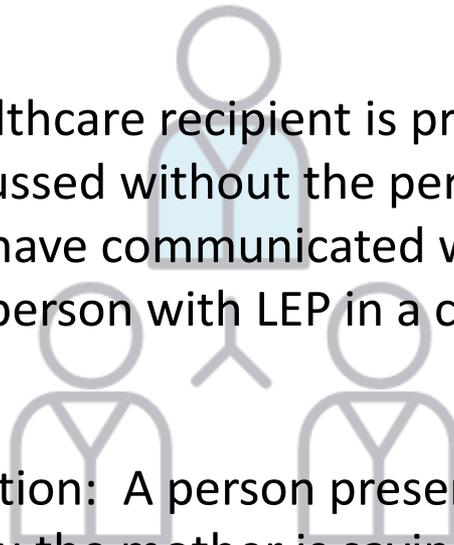
Persons with LEP have the right to language assistance at no cost to the individual. Interpreters must follow confidentiality requirements, and be competent in:

- The language spoken by the person receiving services
- English
- The terminology appropriate to the occasion



# INTERPRETERS (CONT.)

- Do not suggest, expect, or allow minors, other people receiving services, or relatives to act as an interpreter – even to make an appointment.
- The fact someone is a healthcare recipient is protected information under HIPAA and cannot be discussed without the person's permission, which you cannot access unless you have communicated with him or her first. The exception to this rule is a person with LEP in a case of emergency.
- Example of possible exception: A person presents to you with their 10 year old child; the child tells you the mother is saying she is threatening to kill herself. Then, you may use the child to get some immediate help for the mom while you seek other interpretation solutions.



# DOCUMENT

- Clearly document any instance when you believe the circumstances warrant use of an interpreter with whose qualifications you are not familiar.
- If you must use a family member as a translator, document every occasion when a friend of the person receiving services, or a family member is used as an interpreter. Did the person make the decision, after being clearly informed they have a right to free language assistance?



# WRITTEN TRANSLATION

- I-Speak cards
- Obtain a qualified interpreter
- Proper materials in persons served language, including Braille
  - Applications or enrollment forms
  - Letters giving notice of eligibility
  - Letter giving notice about changes in benefits
  - Anything that requires a response from the person served
  - Medical or discharge information
  - Recipient Rights, grievances, and appeals
  - Customer service related materials

# VISUAL & HEARING IMPAIRMENTS

## Visual Impairments

- Oral explanation of services
- Audio tape materials
- Large print materials
- Braille materials
- Video magnifier

## Hearing Impairments

- Certified Sign Language interpreters
- Captions, visuals, and pictorial materials
- Teletypewriter (TTY) equipment
- Computer based materials and information



# UTILIZING LANGUAGE SERVICES

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- Contact your supervisor if you need assistance with interpreting / language services.
  - LCCMH can help contract providers identify an interpreting service and equipment if needed.





# FINAL THOUGHTS

- Discriminating against a person based on the language they speak is the same as discriminating against them based on their nationality - even if a person 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 are used to identify the language spoken by someone who cannot tell you what language they speak – if you don’t know where these are located, just ask!
- Minors and/or relatives should not be used as interpreters, except in emergency situations.
- LEP standards include protections not just for speaking, but for poor hearing or limited sight as well.
- Interpreters must be competent in the terminology used, confidentiality requirements, and the languages spoken by both parties.



## EXIT COURSE AND TAKE EXAM

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.

