

## LANGUAGE ACCESS

For Limited English Proficiency & Deaf/Hard of Hearing Consumers

### Language Access in Baltimore City

Baltimore City is home to approximately 54,000 individuals (9.3% of the city's population) who speak a language other than English at home, and over 20,000 of those individuals speak English less than very well (3.5% of the population). These individuals are Limited English Proficient (LEP), meaning that they do not speak English as their primary language and have limited ability to speak, write, or understand English.

Currently, the top five languages spoken by LEP individuals in Baltimore are: Spanish or Spanish Creole (10,307), Chinese (2,926), French (1,065), Korean (800), & Arabic (585)

### What are Individuals' rights regarding Language Access?

Title VI of the U.S Civil Rights Act of 1964 prohibits health care providers who receive funds from the federal government from discriminating against individuals on the basis of national origin. This includes policies or practices that prevent or inhibit equal access to programs and activities for patients with LEP.

### In what settings must providers supply interpretation?

Language access is mandatory for Baltimore City agencies that leverage federal funds for programming. This means that all providers who accept Medicare or Medicaid must provide language access to all consumers, even if the individual has private insurance. In addition, language access services must be offered at all points of service in order to create an experience that would be identical if the patient spoke English.

### What are organizations required to provide?

The office for Civil Rights (OCR) issued a policy guidance for Title VI compliance in 2004 that states LEP persons must be notified of the availability of free interpreting services, and the services must not require friends or family to provide interpretation.

The OCR also has requirements for translated materials including the following: Written translations of vital documents for each LEP language group that constitutes 5% or 1000 persons (whichever is less) of the population served. Vital Documents include consent and complaint forms; information about free language assistance programs or services; intake forms; notices of eligibility criteria; rights, denial, loss, or decreases in benefits.



Consider this decision tree to help providers determine when phone, video or in-person interpretation is most useful.

<b>Level 1 Interpreting</b>	<b>Level 2 Interpreting</b>	<b>Level 3 Interpreting</b>
<p>Description: Provide basic interpreting. Designated for situations that are short and uncomplicated.</p> <p>Examples: Appointment Scheduling</p>	<p>Description: Provide intermediate and/or time sensitive interpreting. Situations for which face-to-face interpreting may be preferred, but in which phone or video interpreting will not compromise the care provided</p> <p>Examples: Informed consents, Assessments, Intake forms</p>	<p>Description: Designated for situations that are complicated and/or sensitive in nature</p> <p>Examples: Mental Health treatment, trauma, sexual assault, family conferences, patient/client discharge</p>
<p>Phone interpreting Video interpreting</p>	<p>Phone interpreting Video interpreting In-person interpreting</p>	<p>In-person interpreting</p>

*Assess to Ensure Meaningful Access*

The Civil Rights Division of the Department of Justice (DOJ) developed guidelines in 2001 that provided a four-factor test that federal agencies and other entities can use to help determine “reasonable steps to ensure meaningful access”; These factors include:

- The number or proportion of LEP individuals eligible to be served or likely to be encountered by the program
- The frequency with which LEP individuals come in contact with the program
- The nature and importance of the program, activity, or service provided by the program to individual’s lives
- The resources available to the grantee/recipient and costs According to DOJ guidelines, quality interpretation and translation services may be provided in numerous ways, including: multilingual staff, telephone interpreter lines, written language services, and community volunteers.



### *What if the individual is undocumented/uninsured?*

Undocumented/Uninsured individuals are eligible to receive certain services, including emergency hospital inpatient services, and substance use disorder (SUD) residential treatment for ASAM levels 3.7 and 3.7WM. First, Providers must complete steps on Optum's Incedo Provider Portal to enroll consumer in order to receive the authorization for services. <https://maryland.optum.com/content/ops-maryland/maryland/en/bh-providers.html> This process will include completing an Uninsured Eligibility application, and an exception request with approval from the LBHA. All of this is completed through the Incedo system. If the consumer is a non-U.S citizen, the exception process will be used which requires approval from the LBHA. Questions can be answered by calling the Optum Maryland customer service team at 1-800-888-1965.

### *Training is essential*

- **Maryland State Legislation for Cultural Competency Training**- During the past few years, Maryland legislation recommending cultural competency education and training from health professionals, and/or supporting cultural diversity in institutions for higher education have been signed into law <https://sph.umd.edu/departement/epib/cchc/md-legislation-cultural-competency-training>
- There are best practice recommendations in working with an interpreter. Have all staff attend a training to learn how to work with an interpreter.
- [Sign up to receive communications from BHSB](#) to be alerted of training and professional development opportunities offered by BHSB throughout the year.
- Register for training and professional development opportunities through other organizations and systems that have a focus on Language Access, Cultural Competency/Humility, working with LEP individuals.

### *What about services for individuals who are Deaf or Hard of Hearing?*

Similar to the laws prohibiting providers from discriminating against individuals on the basis of national origin, Title III of the Americans with Disabilities Act (1990) and Section 504 of the Rehabilitation Act (1973) prohibit the discrimination on the basis of disability in any place of public accommodation (which includes the professional office of a health care professional and hospitals). If a program receives Federal financial assistance, then they are required to serve individuals with disabilities and provide auxiliary aids and services in order to ensure effective communication with the deaf and hard of hearing.

Auxiliary Aids may include: Qualified interpreters, note takers, transcription services, written materials, assistive listening devices and systems, telephone communication devices for deaf persons, telephone handset amplifiers, video interpretive services.



*For Deaf/Hard of Hearing Services consider:*

<b>The Individual’s Needs and Circumstances</b>	<b>The Type of Communication</b>
<ul style="list-style-type: none"> <li>• Individuals who are deaf or hard of hearing have different degrees of hearing loss</li> <li>• Some individuals may speak though they cannot hear</li> <li>• Individuals have different skills and use a variety of ways to communicate</li> </ul>	<ul style="list-style-type: none"> <li>• Length of communication</li> <li>• Number of persons involved</li> <li>• Purpose of communication</li> <li>• Complexity of information being communicated</li> <li>• The resources available to the recipient and costs</li> </ul>

*Resources for Interpretation and Translation*

Utilize the following Interpretation resources that would best fit your clients’ needs.

- [Maryland Department of Health – Interpretation, Translation and Visual Communication Services](#)
- [Ad Astra –Interpretation, translation and transcription services](#)
- [Ayuda](#)
- [Equal Access Language Services](#)
- [Language Line - provides phone interpretation services. 1-800-752-6096](#)
- [Asian-Pacific American Legal Resource Center](#)
- [Foreign-Born Information and Referral Network](#)
- [Statewide interpretation/translation services](#)

For Sign Language Interpreters:

- [Maryland Interpretation, Translation, and Visual Communication Services](#)
- [Governor’s Office of the Deaf & Hard of Hearing \(ODHH\)](#)
- [Hearing and Speech Agency of Metropolitan Baltimore, Inc. \(HASA\)](#)
- [HIS Sign](#)

For Baltimore City Schools:

- [Guidelines and specific in-school resources](#)

*Suggested Resources for Additional Information*

- [Culturally Competent LEP and Low Literacy Services](#)
- [Maryland State Legislation for Cultural Competency Training](#)
- [LEP Federal Website](#)
- [Guide to Providing Effective Communication and Language Assistance Services](#)
- [Language Access and the Law](#)