

**WEST MICHIGAN COMMUNITY MENTAL HEALTH
ADMINISTRATIVE MANUAL**

		Chapter: 1	Section: 13	Subject: 2
CHAPTER: Board Operation and General Administration				
SECTION: Accessibility				
SUBJECT: Limited English Proficiency (LEP)				
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I. **PURPOSE:** To establish a policy and procedures to ensure that West Michigan Community Mental Health develops and implements a process for identifying and assessing the language needs of individuals it serves who have Limited English Proficiency. The process will provide for: a range of oral language assistance options; notice to Limited English Proficiency persons, in a language they can understand, of the right to free language assistance; periodic training of staff; and translation of written materials in certain circumstances.

II. **APPLICATION:** All staff members and contracted service providers of West Michigan Community Mental Health.

III. **REQUIRED BY:** Michigan Department of Health and Human Services Managed Specialty Supports and Services Contract. Other reference and legal references:

Title VI of the Civil Rights Act of 1964
Americans with Disabilities Act
Section 504 of the Rehabilitation Act of 1973
28 C.F.R. Section 42.405(d)(1)

IV. **DEFINITIONS:**

Limited English Proficiency: A **limited** ability to read, write, speak or understand English.

LEP or Limited English Proficiency Standards: The Limited English Proficiency (LEP) standards were put in place to help standardize access to public services by removing knowledge of the English language as a potential barrier. The prevalence of English and assumptions about it as a standard has resulted in barriers to free and equal access. One such assumption has been that English is the official language of the United States when in fact there is no legally defined official language.

Access: Accessibility of mental health services in a manner that facilitates their use by people who need them; providing the opportunity for people to obtain mental health services from behavioral health providers; providing an active program of community information and outreach to motivate participation in mental health services.

Accommodations: Manner of service provision that facilitates and assures an individual's full participation and receipt of maximum benefit from the services being

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offered by providing services in a manner that recognizes and takes into consideration the individual's ethnicity, cultural differences, language proficiency, communication and physical limitations.

V. **POLICY:** West Michigan Community Mental Health will ensure that all individuals with Limited English Proficiency are able to access the service system.

VI. **PROCEDURES:**

1. **Assessment of needs and capacity:** West Michigan Community Mental Health will have in place mechanisms to assess the Limited English Proficiency status and language assistance needs of current and potential customers, and mechanisms to assess the capacity to meet those needs.

A. The WMCMH Accessibility and Cultural Competency Committee will annually assess the language needs of its three county regions by:

i. Identifying the non-English languages that are likely to be encountered and estimating the number of persons with Limited English Proficiency that are eligible for services and that are likely to be directly affected by the system or a contracted provider. Data used in this analysis may include:

- Census data
- Utilization data from clinical records
- Data from school systems, and
- Data from community agencies and organizations

ii. Reviewing data annually from accessibility barrier indicators to evaluate frequency of requests for non-English speaking services.

iii. Identifying the resources that will be needed to provide effective language assistance;

iv. Identifying the location and availability of resources; and

v. Identifying the arrangements that must be made to access these resources in a timely fashion.

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2. **Oral language assistance services:** West Michigan Community Mental Health will arrange for the provision of oral language assistance in response to the needs of persons served who have Limited English Proficiency, in both face-to-face and telephone encounters.
- A. West Michigan Community Mental Health, including contracted providers, will obtain and provide competent interpreters and other oral language assistance services, in a timely manner, by taking some or all of the following actions:
- i. Hiring bilingual staff who are trained and competent in the skill of interpreting to meet the various language needs of the populations served;
 - ii. Hiring staff interpreters who are trained and competent in the skill of interpreting to meet the various language needs of the populations served;
 - iii. Contracting with an outside interpreter service for trained and competent interpreters to meet the various language needs of the populations served;
 - iv. Arranging formally for the services of voluntary community interpreters who are trained and competent in the skill of interpreting that will meet the various language needs of the populations served;
 - v. Arranging/contracting for the use of a telephone language interpreter service that will meet the various language needs of the populations served.
- B. Staff members will make an affirmative offer of language assistance services to individuals who have difficulty communicating effectively in English with staff or whenever a person served asks for some kind of language assistance services. This means that staff will make it known that language assistance services are available free of charge for individuals with LEP and that staff will set up these services for them. Such services will be provided during all normal business hours and when

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necessary, during non-business hours when an emergency has been determined to exist.

- C. Using Family and Friends as Interpreters: The use of family and friends for interpreting will be done only at the request of the person served. Staff will not require, suggest, or encourage this practice. Using family or friends could result in a breach of confidentiality or reluctance on the part of person served to reveal personal information critical to their situations. Family and friends may not be competent to act as interpreters because they may not be proficient enough in both languages, may lack training in interpretation, and have little familiarity with specialized program terms.

After offering an interpreter, if an individual still prefers to use a family member or friend to interpret, staff may use the individual only if the staff person believes doing so will not compromise the effectiveness of the interpretation nor violate the person's confidentiality. Staff will document in the person's case file the offer of interpreter assistance and the fact that the person declined the offer.

- D. Using Minor Children As Interpreters: Under no circumstances may minor children be used for interpreter services.
- E. Competency of Interpreters: Interpreters, whether bilingual staff, community-based interpreters or professional interpreters, must be adequately trained and demonstrate competency. To be competent to provide interpreter services, the interpreter must be proficient in both English and the target language and be able to convey information in both languages accurately, have basic knowledge in both languages of specialized program terms or concepts, and be sensitive to the person's culture.

3. **Written translations and Materials**: West Michigan Community Mental Health will produce vital documents in languages other than English where a significant number or percentage of the customers served or eligible to be served has limited English proficiency. These written materials may include paper and electronic documents such as publications, notices, correspondence, web sites, and signs.

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- A. Written materials that are routinely provided in English to applicants, persons served and the public shall be made available in regularly encountered languages other than English. Vital documents, such as enrollment applications, consent forms, letters containing important information regarding participation in a behavioral health program, notices pertaining to the reduction, denial or termination of services or benefits, of the right to appeal such actions or that require a response from beneficiaries, notices advising Limited English Proficiency persons of the availability of free language assistance, and other outreach materials shall be translated into the non-English language of each regularly encountered group of persons with Limited English Proficiency eligible to be served, or likely to be directly affected by the programs and policies of West Michigan Community Mental Health and its contracted providers.

- B. West Michigan Community Mental Health will develop and implement a plan to provide written materials in languages other than English when a significant number or percentage of the population eligible to be served or likely to be directly affected needs behavioral health services or information in a language other than English. West Michigan Community Mental Health will determine contracted providers' obligation to provide written translation of documents on a case by case basis, taking into account all relevant circumstances, including the nature of the contracted provider's services, the size of the contracted provider, the number and size of the groups of persons with Limited English Proficiency in its service area, the nature and length of the document(s) to be translated, the objectives of the policy, the total resources available, the frequency with which translated documents are needed, and the cost of translation.

- C. Due to the limited financial resources that are available for behavioral health services, written translation of certain documents or sets of documents would be so financially burdensome as to defeat the legitimate objectives of the organization and its programs. West Michigan Community Mental Health therefore adopts the "safe harbor" provisions based on interpretation of Title VI in the context of health and human services programs that is recommended by the Office of Civil Rights. West Michigan Community Mental Health will provide written materials in non-English languages and define groups with regularly encountered languages other than English if:

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- i. The eligible group of persons with Limited English Proficiency constitutes ten (10%) percent or 3,000, whichever is less, of the total population of persons eligible to be served or likely to be directly affected by a West Michigan Community Mental Health programs, and
 - ii. For groups of persons with Limited English Proficiency that do not fall within (A) above, but constitute five (5%) percent or 1,000, whichever is less, of the population of persons eligible to be served or likely to be directly affected, vital documents will be translated into the non-English languages of such persons with Limited English Proficiency. Translation of other documents, if needed, may be provided orally; and
 - iii. If fewer than 100 persons in a language group eligible to be or likely to be directly affected by the program served (and not addressed by A or B), written notice in the primary language of the persons with Limited English Proficiency of the right to receive competent oral translation of written materials will be provided.
4. **Notification of the availability of free language services:** West Michigan Community Mental Health and each contracted provider will proactively inform Limited English Proficiency customers of the availability of free language assistance services through both oral and written notice, in his or her primary language.

The methods of notification will include but are not limited to:

- A. Posting and maintaining signs in regularly encountered languages other than English in waiting rooms, reception areas and other initial points of entry. Signs will inform recipients of their right to free language assistance services and invite them to identify themselves as persons needing such services;
- B. Translation of vital forms and instructional, informational and other written materials into appropriate non-English languages by competent translators. For Limited English Proficiency persons whose language

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does not exist in written form, assistance from an interpreter to explain the contents of the document;

- C. Uniform procedures for timely and effective telephone communication between staff and persons with Limited English Proficiency. Procedures shall include instructions for English-speaking employees to obtain assistance from interpreters or bilingual staff when receiving calls from or initiating calls to persons with Limited English Proficiency;
 - D. Inclusion of statements about the services available and the right to free language assistance services, in non-English languages, in brochures, booklets, and outreach information and other materials that are routinely disseminated to the public.
5. **Staff training:** West Michigan Community Mental Health and each contracted provider agency will train front-line and managerial staff on the policies and procedures of its language assistance activities.
- A. To ensure that the Limited English Proficiency Policy is followed the organization will disseminate the policy to all employees and contracted providers likely to have contact with persons with Limited English Proficiency, and provide periodic training of these employees and contracted providers. The training will be part of the orientation for new staff members and records will be maintained with the names of attendees and dates of such training. Such training shall ensure that employees and contracted providers are:
 - knowledgeable and aware of Limited English Proficiency policies and procedures,
 - trained to work effectively with in-person and telephone interpreters, and
 - aware of and understand the dynamics of interpretation between persons served, providers, and interpreters.
6. **Assessing accessibility and quality:** West Michigan Community Mental Health and each contracted provider agency will institute procedures to assess the

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accessibility and quality of language assistance activities for Limited English Proficiency customers. Information utilized to conduct the assessment may include:

- A. The current Limited English Proficiency makeup of its service area,
- B. The current communication needs of individuals with Limited English Proficiency,
- C. Whether existing assistance is meeting the needs of such persons,
- D. Whether staff and contracted providers are knowledgeable about policies and procedures and how to implement them, and,
- E. Whether sources of and arrangements for assistance are still current and viable.

VII. SUPPORTING DOCUMENTS: None

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Revised 4/07; Reviewed 10/10, no changes; reviewed 10/14; revised 11/15, revised 2/17; revised 8/19