



# FACT SHEET



U.S. Department of Health and Human Services • Office of Civil Rights • Washington, D.C. 20201 • (202) 619-0403

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## Language Assistance to Persons with Limited English Proficiency (LEP).

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To ensure that persons with limited English skills can effectively access critical health and social services, the Office for Civil Rights (OCR) published policy guidance which outlines the responsibilities under federal law of health and social services providers who receive Federal financial assistance from HHS to assist people with limited English skills. The guidance explains the basic legal requirements of Title VI of the Civil Rights Act of 1964 (Title VI) and explains what recipients of Federal financial assistance can do to comply with the law. The guidance contains information about best practices and explains how OCR handles complaints and enforces the law. You can print out a copy of the guidance from OCR's website at <http://www.hhs.gov/ocr> or contact one of the OCR Regional Offices listed below.

### **Background**

Title VI and its implementing regulations provide that no person shall be subjected to discrimination on the basis of race, color or national origin under any program or activity that receives Federal financial assistance. The courts have held that Title VI prohibits recipients of Federal financial assistance from denying LEP persons access to programs, on the basis of their national origin.

### **The Title VI Language Assistance Obligation**

Any organization or individual that receives Federal financial assistance, either directly or indirectly, through a grant, contract or subcontract, is covered by Title VI. Examples of covered entities include hospitals, nursing homes, home health agencies, HMOs, health service providers, and human services organizations. All organizations or individuals that are recipients of Federal financial assistance from HHS have an obligation to ensure that LEP persons have meaningful and equal access to benefits and services.

Under Title VI, recipients of Federal financial assistance from HHS must take steps to ensure that LEP persons can meaningfully access health and social services. A program of language assistance should provide for effective communication between the service provider and the LEP person so as to facilitate participation in, and meaningful access to, services.

### **Compliance With the Language Access Requirement -Summary of Guidance**

The key to ensuring meaningful access for LEP persons is effective communication. An agency or provider can ensure effective communication by developing and implementing a comprehensive written language assistance program that includes policies and procedures for identifying and assessing the language needs of its LEP applicants/clients, and that provides for a range of oral language assistance options, notice to LEP persons of the right to language assistance, periodic training of staff, monitoring of the program and, in certain circumstances, the translation of written materials.

Agencies and providers have a number of options for providing oral language assistance. Which option to use will depend on a variety of factors including the frequency of need and size of the population(s) being served. Examples of the options available include:

- Hiring bilingual staff for patient and client contact positions
- Hiring staff interpreters
- Contracting for interpreter services
- Engaging community volunteers
- Contracting with a telephone interpreter service

The necessity to translate written documents also may vary depending on several factors including the size of the population(s) being served and the size of the agency or provider. As part of its overall language assistance program, an agency or provider must develop and implement a plan to provide written materials in languages other than English where a significant number or percentage of the population eligible to be served, or likely to be directly affected, by the program needs services or information in a language other than English to communicate effectively. If the number or percentage of the population eligible to be served is not significant, then the agency or provider may not need to translate written documents. Even when written translations are not dictated by need, agencies and providers still must provide oral interpretation of written documents, if necessary, to ensure meaningful access for a LEP person.

## **Examples of Prohibited Practices**

Examples of practices which may violate Title VI are:

- Providing services to LEP persons that are more limited in scope or are lower in quality than those provided to other persons;
- Subjecting LEP persons to unreasonable delays in the delivery of services;
- Limiting participation in a program or activity on the basis of English proficiency;
- Providing services to LEP persons that are not as effective as those provided to those who are proficient in English; or
- Failing to inform LEP persons of the right to receive free interpreter services and/or requiring LEP persons to provide their own interpreter

## **Compliance and Enforcement**

OCR will enforce recipients' responsibilities to LEP beneficiaries through procedures provided for in the Title VI regulations. These procedures include complaint investigations, compliance reviews, efforts to secure voluntary compliance and technical assistance. OCR will always provide recipients with the opportunity to come into voluntary compliance prior to initiating formal enforcement proceedings. In determining compliance with Title VI, OCR's concern will be whether the recipient's policies and procedures allow LEP persons to overcome language barriers and participate meaningfully in programs, services and benefits. A recipient's appropriate use of the methods and options discussed in the guidance will be viewed by OCR as evidence of a recipient's intent to comply with Title VI.

## **Additional Information**

Anyone who believes that he/she has been discriminated against because of race, color or national origin may file a complaint with OCR within 180days of the date on which the discrimination took place. The OCR Regional Offices are listed below:

**Region I - Boston (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont)**

Regional Manager, Office for Civil Rights  
U.S. Department of Health and Human Services  
Government Center  
J.F. Kennedy Federal Building -Room 1875  
Boston, MA 02203  
Voice phone (617) 565-1340  
FAX (617) 565-3809  
TDD (617) 565-1343

**Region II - New York (New Jersey, New York, Puerto Rico, Virgin Islands)**

Regional Manager, Office for Civil Rights  
U.S. Department of Health and Human Services  
Jacob Javits Federal Building  
26 Federal Plaza Suite 3312  
New York, NY 10278  
Voice Phone (212) 264-33 13  
FAX (2 12) 264-3039  
TDD (212) 264-2355

**Region III -Philadelphia (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia)**

Regional Manager, Office for Civil Rights  
U.S. Department of Health and Human Services  
150 S. Independence Mall West  
Suite 372, Public Ledger Building  
Philadelphia, PA 19106-9111  
Voice Line (215) 861-4441  
FAX (215) 861-4431  
TDD (215) 861-4440

**Region IV-Atlanta (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee)**

Regional Manager, Office for Civil Rights  
U.S. Department of Health and Human Services  
Atlanta Federal Center, Suite 3B70  
61 Forsyth Street, S.W.  
Atlanta, GA 30303-8909  
Voice Phone (404) 562-7886  
FAX (404) 562-7881  
TDD (404) 33 1-2867

**Region V -Chicago (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin)**

Regional Manager, Office for Civil Rights  
U.S. Department of Health and Human Services  
233 N. Michigan Ave., Suite 240  
Chicago, IL 60601  
Voice Phone (312) 886-2359  
FAX (3 12) 886-1807  
TDD (312) 353-5693

**Region VI -Dallas (Arkansas, Louisiana, New Mexico, Oklahoma, Texas)**

Regional Manager, Office for Civil Rights  
U.S. Department of Health and Human Services  
1301 Young Street, Suite 1169  
Dallas, TX 75202  
Voice Phone (214) 767-4056  
FAX (214) 767-0432  
TDD (214) 767-8940

**Region VII - Kansas City (Iowa, Kansas, Missouri, Nebraska)**

Regional Manager, Office for Civil Rights  
U.S. Department of Health and Human Services  
601 East 12th Street - Room 248  
Kansas City, MO 64106  
Voice Phone (816) 426-7278  
FAX (8 16) 426-3686  
TDD (816) 426-7065

**Region VIII - Denver (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming)**

Regional Manager, Office for Civil Rights  
U.S. Department of Health and Human Services  
1961 Stout Street -Room 1185 FOB  
Denver, CO 80294-3538  
Voice Phone (303) 844-2024  
FAX (303) 844-2025  
TDD (303) 844-3439

**Region IX-San Francisco (Am. Samoa,  
Arizona, California, Guam, Hawaii, Nevada)**

Regional Manager, Office for Civil Rights  
U.S. Department of Health and Human Services  
50 United Nations Plaza - Room 322  
San Francisco, CA 94102  
Voice Phone (415) 437-8310  
FAX (415) 437-8329  
TDD (415) 437-8311

**Region X -Seattle (Alaska, Idaho, Oregon,  
Washington)**

Regional Manager, Office for Civil Rights  
U.S. Department of Health and Human Services  
2201 Sixth Avenue -Suite 900  
Seattle, WA 98121-1831  
Voice Phone (206) 615-2287  
FAX (206) 615-2297  
TDD (206) 615-2296