



**DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE FOR CIVIL RIGHTS**

**SAMPLE POLICY ON COMMUNICATING WITH LIMITED ENGLISH
PROFICIENT PERSONS¹**

POLICY:

No person will be denied equal access to services based on his/her inability, or limited ability, to communicate in the English language.

PURPOSE:

To effectively communicate with limited English proficient (LEP) persons to ensure their meaningful access to services and benefits.

GUIDELINES:

The LEP person will be made aware, at each entry point for services, that he/she may request the services of an interpreter, or other appropriate communication aids, provided by the facility. This notification will be made verbally by staff, be posted at entry points throughout the facility, and/or, be printed on forms and brochures. **A person's request for communication assistance will be noted in his or her record.**

The procedure and information necessary for securing qualified² foreign language interpreters will be readily available to all staff members, especially those who are in direct contact with patients, (e.g., physicians, nurses, aides, billing clerks, etc...).

Staff members will be instructed that it is the facility's obligation to ensure effective communication with LEP persons, not the LEP individuals' responsibility.

If the facility utilizes in-house staff as interpreters, these staff members will be appropriately trained.³

¹Federal fund recipients should maintain a similar policy on communicating with deaf/hard of hearing and speech impaired persons.

²According to the Americans with Disabilities Act of 1990, a "qualified" sign language interpreter is an individual "who is able to interpret effectively, accurately, and impartially both receptively and expressively, using any necessary specialized vocabulary." The Office for Civil Rights recommends that, whenever possible, a foreign language interpreter be similarly qualified.

³A recipient should ensure that it uses persons who are competent to provide interpreter services. Competency does not necessarily mean formal certification as an interpreter, though this certification generally is preferable. However, the competency requirement does contemplate proficiency in both English and the other language, orientation or training which includes the ethics of interpreting, and fundamental knowledge in both languages of any specialized terms and concepts peculiar to the recipient's program or activity.

The facility will ensure ready access to community and/or contract interpreter resources. These resources will be utilized in the event the facility does not have sufficient and/or competent in-house interpreter resources and in the event in-house interpreter resources are not available for a specific language or at a specific time. All costs incurred through the use of a contract interpreter will be paid by the facility.

All staff members will be instructed not to require/request that LEP persons utilize family members, especially children, or friends as foreign language interpreters. Family or friends' emotional involvement with an LEP person can jeopardize interpretation/translation of critical information. Additionally, family or friends may not be adequately versed in the specialized terminology required for communication between the LEP person and the provider. A person's own interpreter should only be used at the request of the LEP person, and when use of that individual would not compromise the effectiveness of services or violate the LEP person's confidentiality. An LEP person's request to use his/her own interpreter will be noted in the person's record.

Similarly, staff members will be instructed not to utilize other persons awaiting services in the waiting area as interpreters. In addition to the issue of interpreter competency, LEP persons, like all members of the general public, have a right to keep medical or personal information about themselves confidential.

All vital documents will be translated into appropriate languages and made readily available to LEP persons. Site translation of written materials available only in English will be provided as needed.

The language assistance program developed by the facility will be monitored on a periodic basis to measure its effectiveness. Modifications to the program will be made whenever necessary to ensure that LEP persons have meaningful access to the facility's services.

SAMPLE COMMUNICATION PROCEDURE

All staff members should follow the following steps in order to secure foreign language interpreter services:

Step 1. _____

Step 2. _____

Step 3. _____

Step 4. _____

Instructions for staff on securing foreign language interpreters should be provided in order of preference of communication resource. For example, if a facility maintains a list of in-house qualified interpreters, staff should be instructed to utilize this communication resource before utilizing a supplemental resource such as the AT&T Language Line or communication cards.

FOREIGN LANGUAGE INTERPRETER LIST

Staff Interpreters:

<u>Name</u>	<u>Position</u>	<u>Language</u>	<u>Shift</u>	<u>Phone</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Community Resource/Contract Interpreters:

<u>Name</u>	<u>Language</u>	<u>Phone</u>	<u>Special Instructions</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

A copy of the above list is maintained at the following locations throughout the facility:

Facility staff members are notified of the facility's guidelines and procedures for securing appropriate communication services through the following method(s):

Other communication aids available include: _____