

	OFFICE OF MENTAL RETARDATION BULLETIN		
	COMMONWEALTH OF PENNSYLVANIA • DEPARTMENT OF PUBLIC WELFARE		
DATE OF ISSUE January 20, 2005	EFFECTIVE DATE Immediately	NUMBER 00-04-13	
SUBJECT <p style="text-align: center;">Limited English Proficiency (LEP)</p>			
BY  Joan L. Erney Deputy Secretary for Mental Health and Substance Abuse Services		BY  Kevin Casey Deputy Secretary for Mental Retardation	

SCOPE:

County MH/MR Administrators
 Base Service Unit Directors
 State Mental Hospital Superintendents
 Public ICF/MR Directors
 NonState ICF/MR Directors

PURPOSE:

The purpose of this Bulletin is to provide information regarding Title VI of the 1964 Civil Rights Act as it pertains to Limited English Proficiency (LEP) and note the federal requirements designed to assure meaningful access to federally funded services for persons with LEP.

BACKGROUND:

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color or national origin in any program or activity receiving federal funds. It requires programs providing federally funded services to provide language assistance to persons with Limited English Proficiency (LEP) in an effort to ensure meaningful access to needed services.

The United States Department of Health and Human Services (HHS), Office of Civil Rights (OCR), gave the Department of Public Welfare (DPW) a copy of its policy guidance "*Title VI Prohibition Against National Origin Discrimination As It Affects Persons With Limited English Proficiency*," and the policy was revised in August 2003.

The Department of Public Welfare issued a Limited English Proficiency Policy Statement that requires each program office to review the effectiveness of existing language assistance efforts and to develop policies and procedures for ensuring compliance with Title VI.

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It also requires ongoing staff training along with a process to monitor effectiveness at the local level. A copy of this policy statement is attached with this Bulletin.

DISCUSSION

To ensure the availability of consistent language assistance, the Office of Mental Health and Substance Abuse Services (OMHSAS) and the Office of Mental Retardation (OMR) initiated a joint program of technical assistance to assist in the areas of assessment of language need, developing policies and procedures to ensure access to language assistance resources, training the trainer, and monitoring for quality improvement.

A jointly prepared LEP survey was sent to each County MHIMR Administrator, each State Hospital Director, and to each public and NonState ICF/MR Director. The survey results indicated varying areas where assistance might be needed, and OMHSAS and OMR will provide technical assistance upon request.

The following procedures are necessary in order to meet Title VI requirements:

- Each County MHIMR Program, State Mental Hospital, and public or NonState ICF/MR providing federally funded services is required to have policies/procedures for ensuring language assistance services to people who have limited proficiency in English.
- The policy/procedure should include a statement noting that each individual will be assessed regarding their proficiency in the English language.
- Documentation noting the individual's need for language assistance and the resources utilized should appear in the individual's record.
- Each facility should assess language assistance resources and develop a resource bank accessible to all staff members needing to provide services to a person with LEP.
- A procedure for ongoing staff training.
- A procedure for monitoring compliance with Title VI (can be part of the facility's quality management program).

The attached materials are for informational purposes and action as applicable:

- LEP Fact Sheet - Office of Civil Rights published facts and information pertaining to LEP.
- Sample Policy on Communications with LEP Persons - Office for Civil Rights LEP Sample Policy.
- DPW LEP Policy Statement - Outlines guidelines for DPW's LEP Policy.
- LEP Presentation - Power Point that is utilized for LEP training purposes.

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