

Limited English Proficiency (LEP) Training

by Tim Ninemire
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LEP Definition

- The inability to speak, read, write, or understand English at a level that permits effective interaction with health care providers.
- This definition includes consumers who need speech or hearing assistance, are blind, cannot read, or cannot write.

Official Language of the U.S.

What is the official language of the U.S.?

- English?
- Spanish?
- French?

There is no Official Language of the United States!

Regulations for LEP

- LEP regulations come from several different areas; there is no specific LEP law.
- The main regulation we look at is Title VI of the Civil Rights Act of 1964:
 - "...no person shall be subjected to discrimination on the basis of race, color, or **national origin** under any program that receives federal financial assistance." SCCMHA and their Provider Network receive federal financial assistance; therefore, are bound by the LEP standards.
- National Origin is bolded in the previous paragraph because that is the part of the Civil Rights Act of 1964 the courts have determined deal with communication.
- Other Regulations:
 - Rehabilitation Act of 1973
 - American Disability Act of 1990

There are many other regulations that could be referenced, but you don't have to know all the details.

Translation vs. Interpretation

Translation is translating the **written** word from one language to another

Interpretation is interpreting the **spoken** word from one language to another

Some examples below show the reason why we need to make sure we use a valid/approved translator when translating from one language to another. These statements help us understand we all look at things differently. The way you interpret this information is most likely not how it was intended.

- 'Drop your trousers here for best results' was one sign in a cleaners in Bangkok.
- Romania: in a Bucharest hotel lobby: 'The lift is being fixed for the next day. During that time we regret that you will be unbearable.'
- In a Norwegian cocktail lounge, 'Ladies are requested not to have children in the bar.'!!
- In a laundry in Rome: 'Ladies, leave your clothes here and spend the afternoon having a good time.'

Q & A – Using Staff, Minors, and Family Members as Interpreters

Question: You know a staff person who speaks the same language of a consumer that you are working with. Can you use staff for interpretation?

Answer: A staff person can be used to interpret if they have been proven to be competent in the language they wish to interpret. Each agency is responsible for deciding how to prove staff are competent interpreters.

Question: A consumer you are working with speaks a language other than English. They are accompanied by a family member or a minor that speaks the same language. Can you use the minor or family member as an interpreter?

Answer: The only reason you can use a minor as an interpreter is in an emergency situation. If a minor is used as interpreter, there must be thorough documentation as to the nature of the emergency, the reason another interpreter was not used, and the outcome of using the minor as an interpreter.

Question: Can a family member be used as an interpreter?

Answer: A family member can be used as an interpreter if the option of FREE interpretive services were offered to the consumer through an interpreter and the consumer chose not to use the FREE interpreter. The consumer must also ask for the family member to interpret through the FREE interpreter.

What is the Purpose of LEP?

- If you were banned from the U.S. and told you had to go to a training and pass a test before being allowed back into the country. As an English speaking person you were sent to a seminar or training that was presented in Vietnamese, how much would you get out of the presentation?
- You are presenting information to six people and the presentation is in English. Only three of the people you are presenting to speak English. You have treated everyone equally, but have not gained “equal results”.
- The true purpose of LEP is to present information in a manner that every consumer has the opportunity to understand the services they are receiving.

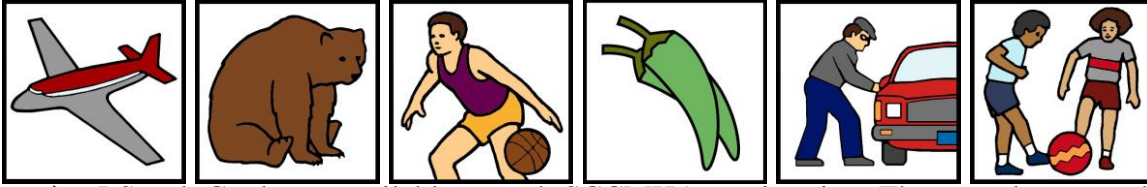
Dos and Don'ts of LEP

- DO treat every consumer as a consumer, regardless of their ability to speak English. Treat them with dignity and respect regardless of their ability to communicate.
- DON'T get caught up in trying to assess whether they could speak English if they wanted to – if someone requests an interpreter we are required to offer this service at no charge to them.
- DON'T suggest, expect, or even allow other consumers to act as interpreters, even for scheduling appointments.
- DO clearly document any time you use an interpreter whose qualifications you are not familiar with.
- DO clearly document every time a friend or family member is used as an interpreter. Did the consumer make the decision, after being clearly informed that they have a right to FREE interpretive assistance in their own language?

Postings

- Posters explaining the rights of consumers to receive FREE interpretive services and Language Identification postings in several different languages are currently posted in all of the waiting rooms at every service site directly run by SCCMHA.
- It is a requirement to post the offer of FREE interpretive services in waiting rooms or other locations where consumers regularly visit.

Language Assistance



- I Speak Cards are available at each SCCMHA service site. These cards are used to assist consumers in identifying the language they speak to staff.
- Communication Books are available at each SCCMHA service site to assist consumers identified as having LEP. The Communication Books contain hundreds of pictures similar to the ones shown above.
- Major publications are available in English, English audio tape, Spanish, and Spanish audio.
- All requests for information in alternative formats should begin with a request to Customer Services.


Interpretive Services

- SCCMHA is required to provide interpretive services twenty four hours a day, seven days a week.
- We have a contract in place with VOICE in Saginaw and the CAC in Flint to provide interpretive services to people who need speech or hearing assistance.
- Customer Service and Centralized Access and Intake now have a computer dedicated for interpretive services by video through the Voices for Health in Grand Rapids.
- The Michigan Relay Service is used for people who need speech or hearing assistance. The Relay Service may be reached by dialing 711 anywhere in Michigan. Crisis services are available twenty four hours a day, seven days a week. SCCMHA has a contract with Interpretalk through Language Service Associates (posting attached at the end of this document), a 24 hour phone service for interpretation for all languages. The Outpatient Panel Provider has been given instructions on how to use this service.


Recording LEP Information in sentri II (this section not required of Self-Determination Services)

The following question is located in sentri II in the Psychosocial Assessment: Demographic section

- Primary language spoken?



SAGINAW COUNTY
COMMUNITY MENTAL
HEALTH AUTHORITY



Amend Psychosocial Assessment

Back Home Logout Help

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- 21. Send Copy To
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- 23. Signature / SAL

1. Psychosocial Assessment: Demographic

Date of Assessment
11/25/2020
Time of Assessment
11:45AM

Consumer Information

This consumer is for testing and demonstration purposes only

Case #
000000012
Date Of Birth
08/18/1989
Date of Death

Sex Assigned at Birth
☒ Female ☐ Male
Gender Identity
Identifies as Female
Sexual Orientation
Decline to answer

First Name
Consumer
Middle Name
W
Last Name
Twelve
Suffix
Rev
SSN
999-99-9997

☒ Is this a minor receiving confidential services?

Aliases and Other Identifying Information
Original Case #: 002018049
Original Case #: 086019988
MDHHS WSA Number
1

Medicaid ID # [lookup](#)
000123456789
MI Child ID # [lookup](#)
000000012345

Medicaid Redetermination Date

Home Address
Address
12345 Sycamore Lane
City
SAGINAW
State
MI
Zip [lookup](#)
48605
USPS Zip +4 [lookup](#)
[View Address History](#)

Phone
9891234567
Cell
☐ Do not leave a message

Alternate Phone
9897654321
Work
☒ Do not leave a message

County Of Residence
Saginaw

Primary Spoken Language
* Select Primary Spoken Language

Communication Preference
Primary Phone
Religion
Unspecified

Obligations to Assist Consumers and the Role of the Guardian

- If a guardian can communicate information to the consumer who is considered to have LEP, we do not have the same obligation as we do when a consumer is their own guardian and is considered to have LEP.
- This does not mean that we do not need to take steps to communicate in a manner that the consumer understands.
- Example: A consumer speaks Spanish and doesn't understand English. The guardian reads and speaks English, but doesn't communicate in Spanish. We still need to provide interpretation for the consumer, as they would not understand your communication with the guardian, and we need to be able to communicate with the consumer to whom we are providing a service.



CALL TOLL FREE 1-877-694-1167

■ ■ When greeted by a coordinator, please provide the following information:

1. **Caller Name**
2. **Employer Name**
3. **Consumer Name**

■ ■ Request the language needed, or ask for assistance in identifying the language.

■ ■ Hold momentarily while your interpreter is connected.

■ ■ The coordinator will inform you that the interpreter is now “on the line”, and give you the interpreter’s ID number.

■ ■ Explain the objective of the call to the interpreter. Then proceed by speaking directly to the non-English speaker in the first person.

Example: “What is your name?” NOT “Ask her what her name is.”

■ ■ Upon completion of the call, all parties should simply hang up. Your time will be automatically recorded.