

myLearningPointe LMS -- JOANNE PRATT

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Limited_English_Proficiency_V1 (00:12/02:45) [ATTACHMENTS | EXIT]

Limited English Proficiency

Accommodating Persons with Limited English Proficiency

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Our Objective

This training is designed to make you familiar with accommodating persons with Limited English Proficiency. This is usually referred to as simply "LEP".

Limited English Proficiency is defined as the inability to speak, read, write or understand English at a level that allows effective interaction with Community Mental Health staff. This training is applicable to all employees and provides an initial understanding of the topic. It includes three basic areas:

- ◆ Our intent
- ◆ Our legal responsibilities
- ◆ Your agency's policies on LEP

First and Foremost

- ◆ **Treat every consumer as a consumer, regardless of his/her ability to speak English.**
- ◆ **Do not get caught up in trying to assess whether the consumer could speak English if they wanted to – we are not in the foreign language assessment field. If and when this may be appropriate, it should be a planned, clinical test.**
- ◆ **Realize that discrimination need not be intentional to be illegal. Agencies have a clear legal obligation to avoid it.**



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Our Intent

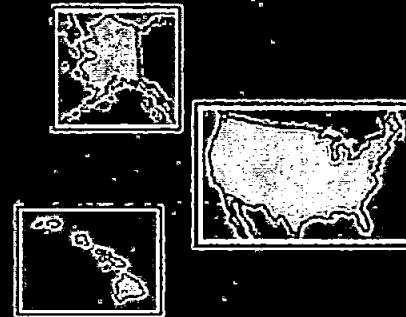
- ◆ Our intent is to set and implement all of our access standards, conduct all of our programs, and run our business in a manner that recognizes the language limitations our consumers and potential consumers may have.
- ◆ We do not treat consumers equally – some need more help in one area than another. Some can be expected to need more help with communications than others. This is known as "disparate impact". Disparate means – different in quality or character.
- ◆ It is our intent to be both willing and prepared to help those to whom language may be a barrier to obtaining necessary treatment and support.



Legal Basis for LEP

- ◆ There is no single "Limited English Proficiency" law we can look up.
- ◆ The key factor to remember is that LEP compliance is a legal obligation based on a history of several laws, regulations and court decisions. You are not required to remember the exact dates and titles of each of these – only to know that they add up to a legal obligation on the part of our organization.

- ◆ **Fact: English is not the "official" language of the United States.** There is no "official language". It has been brought up from time to time, but no law has ever been passed. In fact, at the time when this country came the closest to agreeing on an "official language" the language was German! Granted, at this point in history English is the most common language spoken in the United States – but it is not a legal standard.



- ♦ Title VI of the Civil Rights ACT of 1964 requires 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 determined that discriminating against a person based on language is the same as discriminating against them based on nationality. We receive federal financial assistance, and therefore, we are bound by the LEP standards.



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- ◆ The American's with Disabilities Act (ADA) provides the legal basis for LEP standards applying to those with poor eyesight or hearing impairments. Additionally, many other federal laws recognize the need for language assistance, such as the:
- ◆ Older Americans Act
- ◆ Substance Abuse and Mental Health Administration Reorganization Act
- ◆ Disadvantaged Minority Health Improvement Act
- ◆ Equal Education Opportunity Act of 1974
- ◆ Rehabilitation Act of 1973, and
- ◆ Executive Order 13166 (August 11, 2000)

Our responsibilities are further clarified by a wide variety of federal regulations including those issued by the Center for Medicare and Medicaid Services (formerly HCFA).



"Who is covered"?

- ♦ **The Civil Rights Act says "persons" which is an all encompassing term that includes illegal immigrants.**



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Our Legal Requirements

1. **Meaningful participation:** The basic requirements under Title VI state that our organization's practices and procedures cannot have the effect of restricting meaningful participation by an LEP person. "Meaningful participation" goes beyond allowing them to attend functions.

Our Legal Requirements

Meaningful Participation:

Think about being allowed to sit in a class taught in Russian. Remember disparate impact? "Meaningful participation" means that a consumer must have access to equally effective treatment. For example...It may be difficult for a non-English speaking individual to participate in a group therapy session, even with a competent interpreter present -- just the logistics of the interpreter keeping up by translating every idea expressed by every member and not getting behind. In that instance perhaps individual therapy with the interpreter present would be a better substitution.

We are required to examine our practices to ensure they do not create unintended barriers to access by LEP persons.



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Our Legal Requirements Continued:

2. Provide language assistance at no cost to LEP persons. This must be competent assistance. Interpreters must be competent in both the language spoken by the consumer and English.
- ♦ The interpreter must be competent in the terminology appropriate to the occasion. Interpreters must also be knowledgeable of, and committed to confidentiality requirements.



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A consumer may request a family member or friend to act as an interpreter. However, do not suggest, expect, or allow minors, other consumers, or relatives to act as an interpreter – even to make an appointment. The fact that someone is a healthcare consumer is protected information under HIPAA and cannot be discussed without the consumer's permission, which you can't get unless you communicated with him or her first.

- ◆ **Exception:** The exception to this rule is in a case of emergency.

Example – A person presents themselves to you with their 10 year old child who is telling you that mom is saying she will kill herself. Then, you can use the child to get some immediate help for the mom while you seek other interpretation solutions.



Document

- ◆ **Clearly document any instance when you believe the circumstances warrant use of an interpreter with whose qualifications you are not familiar.**
- ◆ **Document every occasion when a friend of the consumer, or a family member is used as an interpreter. Did the consumer make the decision, after being clearly informed that they have a *right* to **FREE** language assistance?**



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Let's Review:

- ◆ Treat every consumer as a consumer, regardless of his/her ability to speak English.
- ◆ Do not get caught up in trying to assess whether the consumer could speak English if they wanted to.
- ◆ Do realize that discrimination need not be intentional to be illegal.



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Language Line Services

Quick Reference Guide

When receiving a call:

1. Use "Conference Hold" to place the non-English speaker on hold.
2. Dial 1-888-808-9008.
3. Press 1 for Spanish.
Press 2 for all other languages. (Speak the name of the language at the prompt). If you do not know which language to request, you may press "0" or stay on the line for assistance.
4. Enter on your telephone keypad or provide the representative, the following information:
 - ◆ 6-digit personal identification (PIN) number: 34242308
An interpreter will be connected to the call.
5. Brief the interpreter. Summarize what you wish to accomplish and give any special instructions.
6. Add the non-English speaker to the line.

When placing a call to a non-English speaker, begin at Step 2.

If you need assistance when placing a call to a non-English speaker, you may press "0" to transfer to a representative at the beginning of the call.



Language Line Services Important Tips

"Answer Points" is a feature of this system that will help you with any questions or concerns. If you experience any problems while using the automated access, just press "0" to be transferred to an Answer Point for assistance.

- ◆ **Length of Call.** Expect interpreted comments to run a bit longer than English phrases. Interpreters convey meaning for meaning, not word-for-word. Concepts familiar to English speakers often require explanation or elaboration in other languages and cultures.
- ◆ **Interpreter Identification.** The interpreters identify themselves by first name and number only. For reasons of confidentiality, they do not divulge either their full names or phone numbers.
- ◆ **Demonstration Line.** Want to hear a recorded demonstration of over-the-phone interpretation? Call the demonstration line at 1-800-996-8808 or visit the website at www.LanguageLine.com



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Agency Policies on LEP

Click on your agency's name below to view your current Limited English Proficiency policy. You will find these policies in the upper right corner under "Attachments"

- ◆ Copper Country Community Mental Health
- ◆ Gogebic Community Mental Health
- ◆ Hiawatha Behavioral Health
- ◆ Northpointe Behavioral Health
- ◆ Pathways Community Mental Health



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