
Limited English Proficiency Training Title VI of the Civil Rights Act of 1964



Title VI of the Civil Rights Act of 1964

- Prohibits discrimination by federally funded entities based on:
 - Race
 - Color
 - National Origin



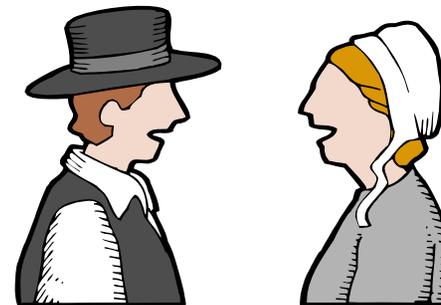


Limited English Proficiency

Policy Guidance on the Title VI Prohibition against National Origin Discrimination as it Affects Persons with “Limited English Proficiency” (LEP)

Limited English Proficient (LEP)

An LEP individual is a person who is unable to speak, read, write or understand the English language at a level that permits him or her to interact effectively with health and social services agencies and providers.



LEP and Title VI

To comply with Title VI
federally-funded entities must
ensure that LEP persons
have **meaningful access**.



Who is Covered?

All entities receiving federal financial assistance from HHS are “covered entities”

Examples:

Hospitals and nursing homes

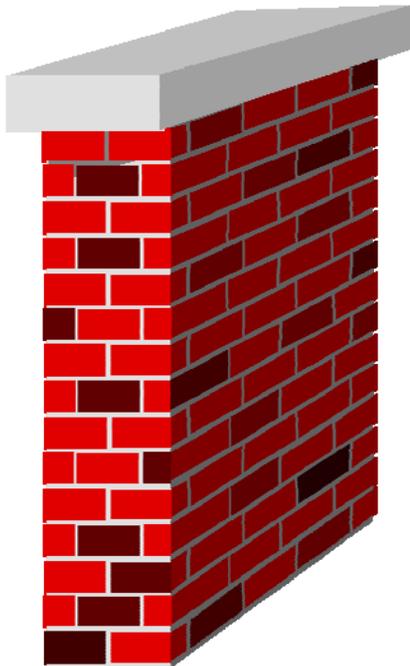
- Managed care organizations
- State, county and local health and welfare agencies
- Head Start programs
- Contractors/vendors



Examples of Illegal Discrimination

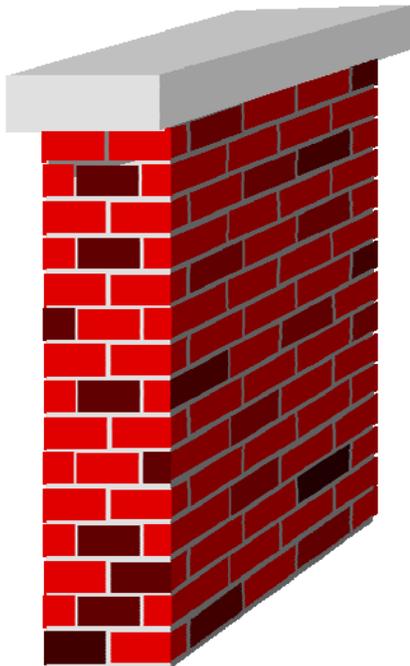
- Denying a benefit or opportunity to participate
- Providing different services/benefits
- Providing services/benefits in a different manner or in a segregated environment
- Restricting privileges
- Using policies/procedures that have the effect of discriminating

Communication Barriers:



- Denial of needed benefits and services
- Delay in delivery
- Wrong benefits or services
- Ineffective or less effective services

Communication Barriers:



For Providers:

- Increased costs and inefficiencies
- Inferior quality
- Potential liability

Key to LEP Compliance



- To ensure **meaningful access** covered entities must:
 - provide language assistance
 - ❑ that results in accurate and effective communication
 - ❑ at no cost

Meaningful Access - Factors



- size of the covered entity
- size of eligible population
- nature of program/service
- program objectives
- resources
- frequency of encounters
 - discrete languages and
 - LEP individuals

Effective Language Assistance Programs have Four Elements

1. Assess language needs
2. Develop and implement written policies for language access
3. Train staff
4. Monitor vigilantly

Element 1

Assess Language Needs

- Identify languages in the service area
- Identify & record primary languages of individuals served
- Identify points of contact where language assistance is needed
- Identify available resources

Element 2

Develop and Implement Written Policies

- Oral language assistance
- Translated written materials
- Notice to LEP persons
- Centralized coordination



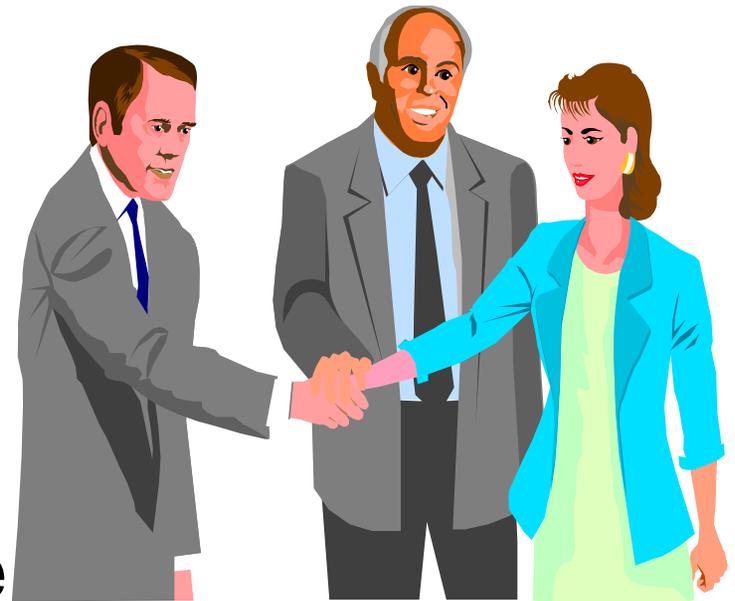
Oral Language Assistance

Covered entities must provide:

- Language interpreters
- Trained & competent interpreters
- Assistance must be timely
- At no cost to the LEP person

Types of Oral Language Assistance

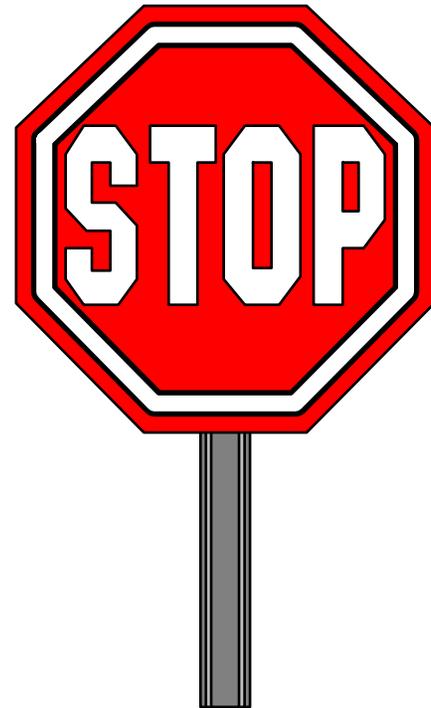
- Bilingual staff
- Staff interpreters
- Contractors
- Volunteers
- Telephone language line



Oral Language Assistance

Do not require
applicants/clients to:

- use family or friends
- use minor children



Written Translations

- Translate documents into regularly encountered non-English languages (when a significant number or percentage of the eligible population is LEP and needs the services or information)

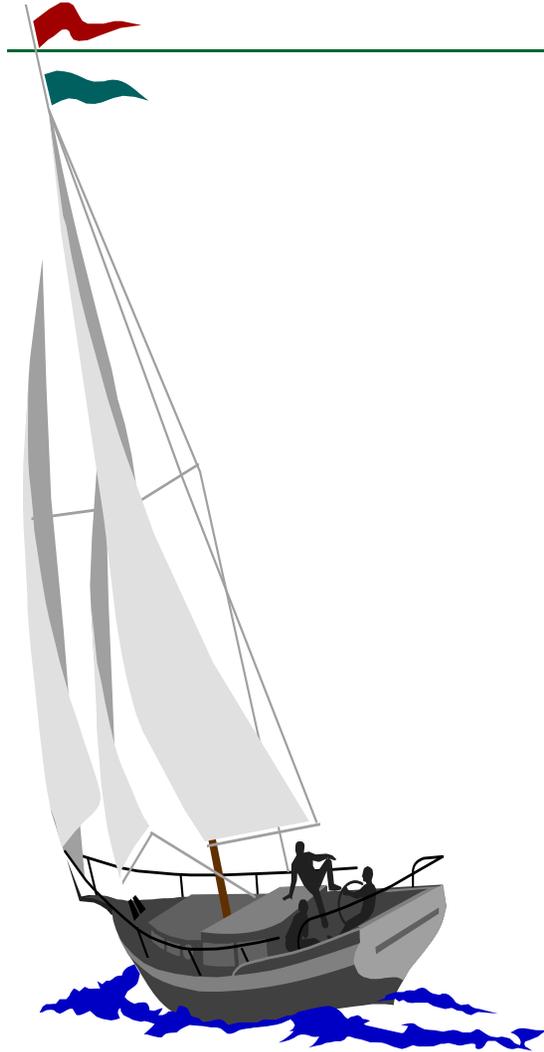


Vital Documents

- Application forms
- Enrollment forms
- Letters or notices about eligibility or any change in benefits
- Anything that requires a response
- Medical or discharge information



"Safe Harbors"



- For each language group with fewer than 100 persons, the entity provides written notice of the right to receive oral interpretation of written materials in the primary language of the group.

“Safe Harbors”

- **All written materials are translated for each LEP group of 10% or 3000 (whichever is less) of the eligible population.**
- **Vital documents are translated for each LEP group of 5% or 1000 (whichever is less) of the eligible population.**



Notice of Language Assistance

Examples:

-
- Language identification cards/posters
 - Signs posted in non-English languages
 - Statements in non-English languages in brochures, outreach materials, etc
 - Telephonic messages in non-English languages
 - Public Service Announcements
 - Community outreach

Policy Guidance

General Principles

“Non-applicant” family members:

immigrant family members who do not expect to receive benefits

must *not* be required to disclose:

- **Proof of immigration/citizenship status; *or***
- **SSNs**

Policy Guidance

General Principles

In Medicaid, SCHIP, TANF and Food Stamps:

Applicants & Recipients **must disclose:**

- ❑ **proof of citizenship, *or***
- ❑ **proof of satisfactory immigration status,
*and***
- ❑ **SSN(s)**

Policy Guidance

Special Rules

Emergency Medicaid

Non-citizens are eligible for emergency Medicaid regardless of immigration status

Non-citizens **must not be required to:**

- ❑ **disclose proof of citizenship/immigration status;**
or
- ❑ **SSN**

Contact Information

Contact:

Bureau of Civil Rights

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Cultural Diversity & LEP Initiatives

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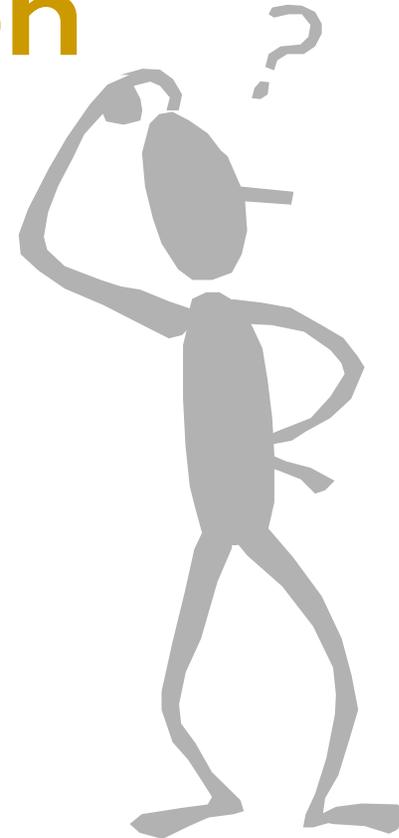
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