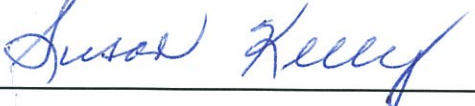


# HARFORD COUNTY HEALTH DEPARTMENT POLICY

Title of Policy: Limited English Proficiency Policy	
Program Area: All programs	
Approved By:	Original Effective Date: July 1, 2008
Susan Kelly, Health Officer 	Revised Dates: July 16, 2010, July 25, 2011, December 20, 2011, July 17, 2012 and December 3, 2013

## 1.0 POLICY

In accordance with applicable State and Federal laws, the Harford County Health Department (HCHD) shall provide meaningful access to programs, services and benefits to eligible individuals, who as a result of national origin are limited in their English proficiency. The Department's ongoing efforts to make these programs, services and benefits accessible to persons with Limited English Proficiency (LEP) is consistent with the obligations of the Department of Health and Mental Hygiene (DHMH) Policy 02.06.07, Title VI of the Civil Rights Act of 1964, and the Annotated Code of Maryland, State Government Article§ 10-1101 through 10-1104.

It is the policy of the HCHD that eligible applicants and recipients having LEP are provided with equal access to public services in accordance with State and Federal laws. This policy applies to all HCHD programs that provide services directly to the public. Through the adoption of this Administrative Policy and Procedures, the HCHD will be in compliance with State and Federal laws, as well as enhance the quality and efficiency of services to persons with LEP.

## 2.0 PURPOSE

To establish administrative policies and procedures that will enable Harford County Health Department (HCHD) employees to effectively communicate with eligible individuals who, as a result of national origin, are limited in their English proficiency as well as:

- Assess the language needs of the population served.
- Interpret and translate both oral and written communications to include vital documents.
- Train staff in the language assistance program requirements
- Monitor to assure that limited English proficiency (LEP) individuals are receiving equal access to services and are not treated in a discriminatory manner.

## 3.0 DEFINITIONS

- 3.1 LEP - descriptive term applicable to someone who does not speak English as his/her primary language and who has a limited ability to read, write,

- 3.2 speak or understand English.
- 3.2 Covered Entity - all programs and/or departments of the Harford County Health Department that provide services directly to the public.
- 3.3 Harford County Health Department - HCHD.
- 3.4 Appropriately Trained Interpreter - an interpreter who is proficient in English and the language spoken by the LEP person; has received orientation or training that includes the ethics of interpreting; and has fundamental knowledge in both languages of specialized terms and concepts used in subject matter; understands the need for confidentiality and impartiality; and understands the role of interpreter without deviating to other roles.
- 3.5 Vital Documents - documents that individuals applying for services or benefits must understand or respond to or complete in order to access the services/benefits or continue to receive the services/benefits. Vital documents may include: consent and complaint forms, intake or applications forms, notices advising LEP persons of free language assistance and documents that inform the participants of his/her rights and responsibilities.
- 3.6 Interpreter – an individual who translates orally for parties conversing in different languages.
- 3.7 Point of Contact - staff member that first encounters an LEP individual or family.
- 3.8 Translation - translation of a written message of one language into a written message of another language.
- 3.9 Equal Access Training Compliance (EAC)/LEP Training - EAC Training designed to assist DHMH's direct client contact employees, managers, and supervisors in becoming fully aware of and understanding the requirements of DHMH LEP Policy 02.06.07, Title VI of the 1964 Civil Rights Act; and Maryland State Government requirements, as they relate to providing equal access for LEP persons (Mandated by DHMH Policy 02.06.07). This is an on-line course required of all new employees and strongly suggested for existing employees.
- 3.10 Appropriate Documentation of LEP Client's Record - stating the primary language of the LEP client, the name of the interpreter providing the interpretation /translation service, the interpreter's relationship to the client and a brief description of what was interpreted or translated and the date of each activity.
- 3.11 Medically Certified Interpreters – an interpreter who has attended and received a certification of completion for the forty hour "Bridging the Gap" medical certification training for interpreters or a comparable interpreter certification program such as Foreign Born Information Referral Network (FIRN).
- 3.12 Interpreter's Proficiency - an interpreter who has taken and passed an English Proficiency Test with 80% proficiency or higher in both English and the native language.
- 3.13 Staff Interpreter - an employee who was hired specifically to perform the duties of an Interpreter, an employee who is utilized as an on-site interpreter and interpreting is listed as an essential job function on the employee's MS22.

- 3.14 Bilingual Staff – an employee who is bilingual and competent to communicate directly with LEP persons in their primary language. This employee's MS22 does not list interpreting as an essential job function and the employee is not normally accustomed to provide interpreting services. However, the employee may be used to provide services directly to LEP persons, as in the case of a receptionist, caseworker or nurse.
- 3.15 Point of Contact employee - the initial point of contact by an LEP individual with an HCHD employee either by face to face or by phone.
- 3.16 State Approved Contracted Services - The services consist of: Language Line Services for telephone translation service, Ad Astra, Inc. for on-site translation service and Schreiber Translations for document translation service.

## 4.0 PROCEDURES

### 4.1 Identifying LEP individuals

- 4.1.1 Identifying LEP Individuals- LEP individuals shall be identified at the first point of contact by an HCHD employee by phone, face to face or by written referral. The initiating of an offer for free interpreter services is the responsibility of front line staff that are typically first points of contact for LEP individuals. All LEP clients have a right to confidentiality and employees and interpreters are responsible for maintaining confidentiality under HIPPA and the HCHD confidentiality statement that is signed by all employees and by interpreters before providing services to LEP individuals.
- 4.1.2 Documentation of such identification of LEP individuals - Appropriate documentation of LEP individuals shall mean stating the primary language of the LEP client, the name of the interpreter providing the interpretation/translation service, the interpreter's relationship to the client and a brief description of what was interpreted or translated and the date of the activity.

### 4.2 Providing notice of language services

- 4.2.1 It is the responsibility of the HCHD to provide interpretation services to LEP individuals in accordance with DHMH State Approved Contracted Services. These services shall be provided by all "covered entities" at no cost to the LEP individual. LEP individuals shall be treated with respect and informed of his or her right to interpreter services.
- 4.2.2 Identification of LEP individual's primary language will be determined using the "Language Identification" found in the Health Department's LEP Manual. The LEP individual will then be given a "Preference for Service Agreement" form in their native language to note their acceptance or rejection of interpreting services.
- 4.2.3 If on the phone, the LEP individual's language can be identified with the help of the phone translation services.

- 4.2.4 Notice of free language assistance will be posted at each HCHD site to provide meaningful access for LEP individuals to programs, services and benefits.
- 4.2.5 The Harford County Health Department employees will utilize other means to provide notice of free language services as they conduct outreach in the community through general health fairs, the Farm Fair, and through Community and Faith -based fairs.

#### 4.3 Identifying methods of language assistance

- 4.3.1 Staff interpreters - Bilingual staff members shall be utilized to provide foreign language interpretation for LEP individuals. Each HCHD employee will be provided a list of all staff persons within the HCHD that have competency in directly communicating with LEP persons in their primary language.
- 4.3.2 Bilingual staff by position and language - A list of available bilingual staff will be created and maintained. Due to the constantly changing workforce composition, workload expectations and requests for employees to work outside their department, this list is subject to change. This list will be disseminated in a timely manner through the use of HCHD's e-mail.
- 4.3.3 Continuity of Care- Once an LEP individual's primary language is identified, the HCHD point of contact employee should do the following: offer free interpreter services by following the protocol to obtain face to face HCHD or contractual interpreter or remote interpreter services; obtain name of HCHD staff interpreter; contracted interpreter or remote interpreter, document acceptance or rejection of interpreting services offer on the "Preference for Services Agreement" form; and forward the signed form to the LEP Coordinator for filing. Training will ensure that staff working across divisions will document the needs of members of LEP populations in a consistent and uniform manner. HCHD employee will utilize the "I Speak Card" (found in the LEP Manual) in the LEP individual's primary language.
- 4.3.4 Other language services - Appropriate arrangements shall be made by supervisors or their designees with approved HCHD Contractual Interpreters to provide interpreting services for LEP individuals. The list of approved HCHD contractual interpreters will be distributed via Senior Staff.

#### 4.4 Document made available to LEP persons in their language

- 4.4.1 Identification of vital documents- HCHD staff shall have access to vital documents in readily accessible locations at all HCHD sites that service LEP individuals. Each Division shall designate a staff person to maintain translated materials in a central location easily accessible by all staff. Vital documents shall mean documents that individuals applying for services or benefits must understand, respond to or complete in order to access the services/benefits or continue to receive

the services/benefits. Vital documents may include but not limited to: consent and complaint forms, intake or applications forms, notices advising LEP persons of free language assistance and documents that inform the participants of his/her rights and responsibilities. Additional vital documents may be identified by specific Programs.

- 4.4.2 Translation of vital documents- HCHD employees shall utilize existing translated State forms available through specific Programs. In the event that there is not a preprinted State form in the LEP person's primary language, then vital documents shall be translated into needed language(s) and made readily available to LEP clients. Such vital documents and the languages needed shall be determined by specific Programs. This translation will be noted in the medical file or other appropriate document and be readily accessible for statistical and auditing purposes. Immediate translation of documents shall also occur in a face to face encounter if deemed necessary by the Program supervisor.

#### 4.5 Utilizing LEP clients' own interpreters

- 4.5.1 Staff shall not require or request LEP client to provide his/her own interpreter - All HCHD employees will continued to be trained to be aware that staff should never require, suggest, or encourage a client with LEP to use family members or friends as interpreters.
- 4.5.2 Children under 18 years of age shall not be used - HCHD staff shall be trained to ensure that no minors should be used as interpreters, even if the applicant or client brings them for that purpose.
- 4.5.3 If there are issues regarding competency, appropriateness, conflict of interest or confidentiality, then it is not acceptable to use that individual for interpreting purposes.
- 4.5.4 Documentation of the use of client's own interpreter - Use of friends or family members is acceptable only when expressly requested by the applicant or client in an emergency. This action should be considered as a last resort, as the family member or friend may not be competent to act as interpreters because they may not be proficient enough in both languages, may lack training in interpretation, and may not be familiar with specialized program terminology. This request must be documented in the client's chart/sign-in sheet or other appropriate document that is readily accessible for statistical or auditing purposes.

#### 4.6 Comprehensive LEP needs assessment

- 4.6.1 Source of data – The HCHD shall use Census data and Harford County project data to develop this plan.
- 4.6.2 Client feedback – HCHD will continue to develop a formal “customer concern” process to allow clients the opportunity to voice their suggestions and concerns. Until an alternative process is developed, clients may contact the HCHD through the HCHD website or follow the HCHD “complaint/resolution process” already in effect.

#### 4.7 Staff Education

- 4.7.1 Training of existing staff- It is recommended that existing staff complete LEP training. All HCHD employees' attendance to various classes is recorded.
  - 4.7.2 Training that will be provided on an on-going basis- LEP staff will work with management in determining the best method of delivering on-going LEP training to HCHD staff.
  - 4.7.3 Training of new staff- LEP staff will work with respective divisions in order to orient new employees to the HCHD LEP Administrative Policy and Procedures. All new staff shall be required to complete the mandatory LEP training course on-line through Training Services Division within 6 months of employment and noted on their "Probationary Review". During the hiring process, the LEP Policy is given to new employees. New employees sign an acknowledgement that they received the HCHD LEP Policy and that they are required to take the on-line course within 6 months of employment (set up by Administration). The on-line course is designed to assist DHMH's direct client contact employees, managers, and supervisors in becoming fully aware of and the understanding the requirements of DHMH LEP Policy 02.06.07, Title VI of the Civil Rights Act of 1964; and the Maryland State Government requirements, as they relate to providing equal access for LEP persons.
- 4.8 Training of Staff Interpreters  
HCHD staff will be appropriately trained to provide needed services and certified as bilingual through a proficiency testing process.
- 4.9 Annual Reporting  
Assigned LEP staff shall collect data and submit reports in a timely manner as required by DHMH.
- 4.10 Monitoring the LEP Language Assistance Program  
Senior staff shall be responsible for monitoring compliance with HCHD LEP Administrative Policy and Procedure.

#### 5.0 Responsibilities

- 5.1 All employees are responsible for:
  - 5.1.1 Acting as a "Point of Contact" for LEP individuals, as needed.
  - 5.1.2 Knowing where LEP materials are located within the HCHD facility.
  - 5.1.3 Providing materials to LEP individuals as needed.
  - 5.1.4 Understating the procedures for utilizing interpreters and other language services.
  - 5.1.5 Understanding and complying with this HCHD LEP Administrative Policy and Procedure.
  - 5.1.6 New HCHD employees shall complete mandatory LEP training.

- 5.1.7 Existing HCHD shall attempt, as schedules allow and with supervisors' approval, to complete the Equal Access Compliance Training course on-line through Training Service Division.

5.2 "Point of Contact" employees are responsible for:

- 5.2.1 Identifying LEP individual's primary language using the "Language Identification" materials when the individual presents face to face.
- 5.2.3 Utilizing LEP individual's "I Speak Cards".
- 5.2.4 Determine the type of assistance needed by LEP individuals that is appropriate to each Program's circumstances and budget.
- 5.2.5 Understanding and complying with the HCHD LEP Administrative Policy and Procedures.

5.3 Supervisors are responsible for:

- 5.3.1 Assuring that subordinates are familiar with and understand this HCHD LEP Administrative Policy and Procedure and that new employees receive the mandatory training.
- 5.3.2 Recommending and encouraging existing HCHD, as schedule allows, completing the Limited English Proficiency Course on-line through Training Service Division.
- 5.3.3 Collecting and completing the LEP "Language Assistance Report" monthly for their Programs, forwarding these reports to the assigned LEP staff by the 5<sup>th</sup> of the next month, in order to provide statistical data of HCHD LEP clients' needs to DHMH on a semi-annual basis.
- 5.3.4 Arranging for other Language services to provide interpreting services to LEP individuals as needed and approving the associated invoices within three days of receipt on invoice.
- 5.3.5 Ensuring that staff understands the procedures for utilizing other Language services and approving requests and invoices.
- 5.3.6 Understanding and complying with this HCHD LEP Administrative Policy and Procedure.
- 5.3.7 Appointing a staff member to maintain translated materials in a central location for easy accessibility for all staff.

5.4 HCHD Senior Staff are responsible for:

- 5.4.1 Ensuring that subordinate staff are familiar with and understand the HCHD LEP Administrative Policy and Procedure and that all new employees receive the mandatory training.
- 5.4.2 Ensuring that Supervisors are appropriately requesting services and approving invoices for other Language services to provide interpreting services to LEP individuals as needed.
- 5.4.3 Requesting and assuring that Supervisors complete the LEP Language Assistance Report for their Programs monthly and forward to the assigned LEP staff by the beginning of the next month, in order to provide statistical data of LEP clients' needs and

statistics on a semi-annual basis to DHMH.

- 5.4.4 Assuring that at each HCHD facility location that a HCHD staff member has been assigned the task of maintaining translated materials in a central location for easy accessibility for all staff.
- 5.4.5 Understanding and complying with this HCHD LEP Administrative Policy and Procedure.

5.5 HCHD LEP Assigned staff or designee shall be responsible for:

- 5.5.1 Providing orientation to HCHD LEP Administrative Policy and Procedure to new employees during "New Employee" orientation class, if scheduled.
- 5.5.2 Assuring that LEP Training certification forms are forwarded to HCHD Administration for inclusion in the correct personnel files.
- 5.5.3 Providing copies of this HCHD LEP Administrative Policy and Procedure to new employees at the time of "New Employee" orientation class or orientation and assuring that new employees understand their responsibilities regarding LEP individuals.
- 5.5.4 Understanding and complying with this HCHD LEP Administrative Policy and Procedure.

5.6 The HCHD Health Officer or designee shall be responsible for:

- 5.6.1 Implementing the HCHD LEP Administrative Policy and Procedure for the Department.
- 5.6.2 Assuring that employees understand and comply with this HCHD LEP Administrative Policy and Procedure and that employees receive the appropriate training.
- 5.6.3 Reporting appropriate training statistics to DHMH and other officials as required.
- 5.6.4 Assuring that an assessment to determine the needs of LEP individuals are being identified and met, review statistical data, review new materials, troubleshoot areas of concern and update procedures as needed.
- 5.6.5 Understanding and complying with this HCHD LEP Administrative Policy and Procedure.