

LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES ADMINISTRATION

SUBJECT: Pursuant to Executive Order No. 10-2012 (County Language Access Policy) this Language Access Plan (“Plan”) sets forth the actions we will take to ensure that persons with Limited English Proficiency (“LEP”) have meaningful access to agency services, programs, and activities.

SCOPE: All Suffolk County Department of Health Services program areas which provide direct public services.

POLICY AND PROCEDURE:

County agencies that provide direct public services shall, in all relevant programs and services, competently translate vital documents, including essential public documents such as forms and instructions provided to or completed by program beneficiaries or participants. The translation shall be in the six most common non-English languages spoken by individuals with limited-English proficiency in the County of Suffolk, based on United States census data, and relevant to services offered by each of such agencies. Each such agency, in all relevant programs and services, shall provide competent interpretation services between the agency and an individual in his or her primary language with respect to the provision of services or benefits.

Effective Date of Plan: November 12, 2013

Language Access Coordinator (LAC): Dr. Gregson Pigott
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1. INTRODUCTION

Statement of Agency Services to the Public:

Suffolk County Department of Health Services (Department) protects and promotes the health of people in Suffolk County. Our mission is to promote wellness and protect the public’s health and safety. The Department seeks to ensure that all individuals, including those with limited ability to read, speak, write or understand English, are able to access programs, activities and quality services from the Department.

2. ASSESSING LEP POPULATION LANGUAGE NEEDS

The Department serves all residents of Suffolk County.

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The top 6 languages spoken by LEP individuals were determined primarily by U.S Census data and agency data on client contacts. These are **Spanish, Italian, Polish, Mandarin Chinese, French (Haitian) Creole, and Portuguese.**

Our information on Department contact with LEP individuals comes from our program areas which provide direct public services: Division of Patient Care Services; Bureau of Public Health Nursing; Bureau of Public Health Protection; Division of Services for Children with Special Needs; Office of Minority Health; Division of Community Mental Hygiene Services; Division of Public Health; Office of Health Education.

3. PUBLIC OUTREACH AND NOTICE OF AVAILABILITY OF LANGUAGE ASSISTANCE SERVICES

We inform LEP individuals, in the languages indicated in Section 2 of this plan, about their right to **free** language assistance services by using the following measures:

- LEP individuals are informed directly by our staff at health centers and through **prominent** signs posted about language assistance services in public areas of the centers, departments and county agencies
- Notification of services on the County website in the languages indicated in Section 2
- Brochures or flyers about language assistance services in public areas of agency
- Local, non-English language media directed at LEP individuals in their languages
- Telephonic voice menu providing information in non-English languages
- Outreach and presentations at schools, faith-based groups and other community organizations

The Department is not permitted to inquire about one's immigration status upon a request for interpretation or translation services.

4. PROVISION OF LANGUAGE ASSISTANCE SERVICES

We use the following resources to determine when an individual is LEP, and what the individual's primary language is, when the encounter is *in person*:

- Reception staff make those determinations based on experience, with the assistance of bilingual staff members where available

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- A record of each LEP individual's language assistance needs will be kept in the electronic or paper health record in program areas providing direct public services. Programs will be required to make information on the assistance needs of LEP persons available to the LAC.

We use the following resources to determine when an individual is LEP, and what the individual's primary language is, when the encounter is *by telephone*:

- Reception staff make those determinations based on experience, with the assistance of bilingual staff members where available
- Telephonic interpreting service

In the case of illiteracy or languages for which written materials have not been translated, such forms and documents will be explained to LEP individuals in their primary language with the assistance of bilingual staff or through the use of a telephonic interpreting service.

A. Oral Interpreting Services

Protocol(s) for assessing whether an LEP individual needs oral interpreting services is as follows:

For in-person encounters: Bilingual staff currently addresses language assistance needs on an individual basis during the encounter, through their assessment, self-identification by LEP individual and referral from outside sources.

By telephone: Telephone contacts to programs from LEP individuals are handled by bilingual staff within the program when available. A roster of bilingual staff within the Department who have volunteered to assist with calls is maintained by the LAC. In addition, telephonic interpreting services are available.

At initial contact in the field: Bilingual staff will be utilized in the field dependent on community need, when available. In addition, "I Speak" cards will be utilized by field staff.

Protocol(s) for informing LEP individuals that they do not need to provide their own interpreters and that free interpreting services will be provided is as follows:

For in-person encounters: Bilingual staff, if available in the language of the LEP individual, will inform the LEP individual that he or she does not need to provide his or her own interpreter and that free interpreting services will be provided. Staff will also utilize the "I Speak" card to assist in identifying the language of an LEP individual.

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Written notice, translated in the languages indicated in Section 2 of this plan, at the appropriate reading level, will be provided to advise LEP individuals that free language assistance is available.

By telephone: Staff will inform the LEP individual that he or she does not need to provide his or her own interpreter and that free interpreting services will be provided.

Generally an LEP individual may not use a family member, friend or a minor as an interpreter. However, if an LEP individual insists on using a minor, family member, friend, or other person as an interpreter, it is required that they fill out a written consent/waiver form stating they refuse an interpreter or wish to use their own interpreter. This waiver is only valid for the date it is signed and must be re-filled out upon each visit.

The use of a minor will only be allowed under exigent circumstances/emergencies. Minors will not be used during routine encounters when interaction occurs at the agency's office.

- When an LEP individual is engaged in official business with the agency, filling out applications or involved in legal matters, the LEP individual will not be permitted to use an independent interpreter. The agency will provide an interpreter free of charge at all times. However if the LEP person would like their informal interpreter present, the interpreter may sit in on the conversations unless there are compelling reasons to exclude them.

The issue of confidentiality pertaining to the use of interpreters is addressed as follows:

All Department staff in programs identified as covered programs under HIPAA are trained in HIPAA and confidentiality compliance.

Maintaining a list of oral interpreting resources

We use, or have available for oral interpreting, the following resources:

- Bilingual staff members who work directly with LEP individuals.
- Bilingual staff members who provide oral interpreting when necessary
- Telephonic interpreting service

Name of vendor: Language Services Associates, Inc.

- Contracts or other arrangements with community organizations or individuals for oral interpreting services

Name of individual: Gustavo Graciano Mendez, Kings Park, NY

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The agency's Language Access Coordinator maintains the list of oral interpreting resources that are available to staff, which includes:

- Names and contact information for all resources
- Names and locations of staff members who are available to act as interpreters or provide services directly in the LEP individual's primary language
- Languages in which each interpreter or service is qualified
- Procedure for accessing each interpreter or service

We inform all staff members who have contact with the public how to obtain oral interpreting services as follows:

Mandatory training will be required for all staff who have contact with the public in programs identified as providing direct public services. The training will provide staff with directions for contacting language service providers.

B. Translations of Written Documents

The process to determine and reassess starting from the effective date of this plan, those vital documents (including website content) which must be translated is as follows:

Documents that the Department determines to be vital include intake and consent forms; notice of rights, requirements and responsibilities; and such others that contain pertinent information to assist in accessing program benefits. Programs within the Department will determine which documents are considered to be a vital document in need of translation. The LAC will review all forms and documents each program has identified as being a vital record prior to translation. All translated documents will be reviewed and monitored as part of the language access plan.

The process of timely translation of documents that LEP individuals submit in their primary languages is as follows:

Upon receiving a document from an LEP individual in their primary language, staff will review the document and submit said document for translation in a timely manner.

The process for ensuring that documents are written in plain language before they are translated into other languages is as follows:

LEP liaisons in all Department programs will review documents for plain language compliance prior to translation.

List of vital documents being translated: see attached

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The agency's Language Access Coordinator maintains the list of written translation resources that are available to staff, which includes:

- Names and contact information for all resources
- Names and locations of staff members who are available to provide oral translations of written documents
- Languages in which each translation service is qualified
- Procedure for accessing each translation service

5. STAFF TRAINING

The person(s) in the agency who is responsible for the provision of training to staff in language access issues is: TBD

The staff training includes the following components:

- The legal obligations to provide meaningful access to benefits and services to LEP individuals
- How to access language assistance services
- How to work with interpreters
- How to obtain translation services
- Cultural competence and cultural sensitivity
- Documenting the language needs of LEP individuals and the language services provided to them by the agency
- Ethics of interpretation

The methods and frequency of training are as follows:

The Language Access Coordinator will work with relevant programs identified as providing direct public services to designate program liaisons and establish and maintain a list of staff that has contact with the public within these programs.

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A PowerPoint presentation will be developed. Senior staff will be trained and will then be responsible for the remainder of their staff completing training. All staff including security guards, non-county employees and volunteer interpreters should be included in these trainings.

These trainings will be mandatory, and held at least once a year or as often as needed.

As information changes it will be updated and designated senior staff will be informed of the changes to communicate to relevant staff.

PART 6 – ADMINISTRATION

Monitoring

To ensure compliance with the Plan, the LAC will monitor its implementation as follows:

- In developing this plan, we have understood LEP individuals to be persons who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. The language access needs of the department, led by the department Language Assistance Coordinator (LAC), will be reassessed annually as needed. This reassessment will be conducted annually starting from the effective date of this plan on the provision of: (1) language assistance services (2) availability of translated materials (3) whether signage is properly posted (4) demographic data and any other relevant measures.

The LAC will offer guidance on the provision of language assistance services as well as the availability of translated materials, up-to-date demographic data, properly posted signage, and current media annually.

To further assess the efficacy of the program, the Department will consult with various community based organizations and conduct internal reviews that will pertain to the best interests of community members. In addition, in order to effectively monitor Language Access Plans the following methods will be implemented:

1. Staff interviews to ascertain staff members' understanding of the language access policy
2. Data analysis to determine who is or is not accessing language assistance services
3. Matrix/check list
4. Occasional spot checks (e.g. secret shoppers)
5. Review of complaints for systemic issues
6. Intermittent random file review to see whether language preference is being recorded and whether services have subsequently been provided

Quality of interpretation and translation:

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- All agency personnel who will provide interpretation or translation services will have their language proficiency assessed in accordance with Civil Service standards.
- The department will consult with community-based organizations and conduct an internal review in order to assess the efficacy of its program, including the accuracy of translation of written documents.

Complaints

We provide information to the public, including LEP individuals in languages regularly encountered in this service area, advising them of the right to file a complaint if they feel that they have been the subject of discrimination. The information we provide describes how and/or where to file a complaint. We do not retaliate or take other adverse action because an individual has filed a complaint alleging discrimination based on LEP status or needs.

We display information on the right to file a complaint, and the procedures to file a complaint in the following manner:

The Department will require that all programs identified by the Department as providing direct public services display signage in the languages described in part 2, in its public areas and information on its website indicating the process for filing a complaint with the agency and with the Office of Civil Rights when the individual is not satisfied with the quality or availability of the Department's language access services.

We handle complaints made to the agency regarding the provision of language assistance services in the following manner:

Program staff will respond to complaints it receives regarding the provision of language assistance services. Each program area shall specify a clear plan for reviewing and responding to complaints it receives regarding the provision of language assistance services. The Language Access Coordinator will address complaints received that cannot be resolved by program staff.

DATE OF LANGUAGE ACCESS PLAN November 12, 2013

REVIEWED BY: Gregson H. Pigott, MD, MPH, Director, Office of Minority Health

APPROVED BY:



James L. Tomarken, MD
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Commissioner, SCDHS

11/11/13_____
Date