

DIVISION OF CHILD AND FAMILY SERVICES Children's Mental Health	
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REFERENCES:	<p>FEDERAL STATUTES AND REGULATIONS Title VI and VII Civil Rights Act of 1964 as amended 65 CFR 50121 - Improving Access to Services for Persons with Limited English Proficiency 28 CFR 42.104 - Discrimination prohibited. Executive Order 13,166, 65 Fed. Reg. 50,121 (Aug. 11, 2000) Lau v. Nichols, 414 U.S. 563, 569 (1974)</p> <p>U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES http://www.hhs.gov/ocr/civilrights/clearance/exampleofapolicyandprocedureforlep.html; retrieved 10-06-14.</p> <p>U.S. DEPARTMENT OF JUSTICE Federal Coordination and Compliance Section, Civil Rights Division: <i>"Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs"</i>; May 2011.</p> <p>NEVADA REVISED STATUTES NRS 433.482 Personal Rights of Clients</p> <p>RELATED POLICY CRR-2 Client's Rights and Responsibilities Policy, May 6, 2014 CRR-4 Confidentiality Policy, January 2015</p> <p>DHCFP MEDICAID SERVICES MANUAL MSM 100 MSM 400</p>

	MSM 600 MSM 2500 JOINT COMMISSION ACCREDITATION STANDARDS Chapter: Rights and Responsibilities of the Individual RI.01.01.03: The organization respects the right of the individual served to receive information in a manner he or she understands. DCFS GLOSSARY OF TERMS: (REV. 01-17-14)
ATTACHMENTS:	Attachment A: I Speak Cards Attachment B: List of Approved DCFS Contracted Interpreters Attachment C: List of Approved DCFS Staff Interpreters Attachment D: Authorization to Release Confidential Information Form

I. POLICY

It is the policy of DCFS to provide timely, meaningful access for LEP children, youth, and families as well as the legally responsible person to all agency programs and activities. All DCFS staff shall inform LEP children, youth, and families as well as the legally responsible person of their right to free language assistance services whenever the need for such services is identified or when the services are requested.

Further, it is the policy of DCFS that all staff will inform children, youth, and families as well as the legally responsible person and members of the child’s or youth’s treatment team about available language assistance services and that the Division will provide these services free of charge to them.

II. PURPOSE

The purpose of this policy is to provide DCFS staff with guidance and direction about the Division’s commitment to achieve and maintain linguistic competence with which to better serve children, youth and families. This policy describes how and when language assistance is to be provided to children, youth, and families as well as the legally responsible person in order to facilitate meaningful access and equal opportunities to fully participate in DCFS services and programs or other benefits administered by the Division.

III. PROCEDURES AND PRACTICE GUIDELINES

A. Introduction

Children, youth, and families who are receiving DCFS services are entitled to certain rights which are protected by the United States Constitution and promulgated through the United States Code (USC), Code of Federal Regulations (CFRs), Nevada Revised Statutes (NRS), and the Nevada Administrative Code (NAC) (Please refer to DCFS CMH CRR-2 Client’s Rights and Responsibilities Policy, May 6, 2014 for further information).

DCFS will take reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access and an equal opportunity to participate in our services, activities, programs and other benefits. The policy of DCFS is to ensure meaningful communication with LEP children, youth, and families as well as the legally responsible person with regard to their mental and behavioral health care and treatment. DCFS is also required to ensure communication of information contained in vital documents, including but not limited to client’s rights and responsibilities, denial of rights, consent to

treatment forms, financial and insurance benefit forms, etc. is provided in the language of the child, youth, and family. All interpreters, translators and other aids needed to comply with this policy shall be provided without cost to children, youth, and families as well as the legally responsible person being served. Children, youth and families as well as the legally responsible person shall be informed of the availability of such assistance and that this assistance is free of charge.

Language assistance will be provided through use of competent bilingual DCFS staff, DCFS staff interpreters, contractors/vendors or formal arrangements with local organizations providing interpretation or translation services, or technology and telephonic interpretation services. Interpretation or translation should be provided by persons qualified to translate behavioral health care services.

All DCFS staff will be provided notice of this policy and procedure. DCFS staff that may have direct contact with LEP children, youth, and families as well as the legally responsible person will be trained in effective communication techniques, including the effective use of an interpreter.

As required by federal regulations and guidance, organizations that receive federal funding shall conduct a regular review of the language access needs of the population served and will update and monitor the implementation of LEP policies and standards, as necessary, based on these reviews. The DCFS Planning and Evaluation Unit (PEU) is responsible for this review and monitoring process for Children's Behavioral Health programs.

B. Identifying LEP Persons and Their Language

DCFS staff will promptly identify the language and communication needs of LEP children, youth, and families as well as the legally responsible person. If necessary, DCFS staff will use a language identification card or "I speak cards" (Attachment A: I Speak Cards) or posters to determine the language and communication needs of LEP children, youth, families as well as the legally responsible person. In addition, when records are kept of past interactions with children, youth, and families as well as the legally responsible person, the language used to communicate with the LEP person will be included as part of the DCFS client medical record.

C. Obtaining a Qualified Interpreter

DCFS supervisors are responsible for:

1. Maintaining an accurate and current list showing the name, language, phone number and hours of availability of bilingual staff. These updates shall be provided to the Policy Development Coordinator who shall distribute the information to all DCFS staff as it is updated;
2. Contacting the appropriate bilingual DCFS staff member to interpret, in the event that an interpreter is needed, if the staff member who speaks the needed language is available and is qualified to interpret behavioral health care services; and,
3. Assisting DCFS staff in obtaining an outside interpreter if a bilingual staff member or staff interpreter is not available or does not speak the needed language (See Attachment B: List of Approved DCFS Contracted Interpreters and Attachment C: List of Approved DCFS Staff Interpreters).

DCFS recognizes that some LEP persons may prefer or request to use a family member or friend as an interpreter. However, family members or friends of the LEP person will not be used as interpreters unless specifically requested by the child, youth, and family or the legally responsible person and then only after the LEP person has been informed that an offer of an interpreter, at no charge, has been made by DCFS staff. Such an offer and the response will be documented in the DCFS client medical record as a progress note.

If the LEP child, youth, family or legally responsible person chooses to use a family member or friend as an interpreter, issues of competency of interpretation, confidentiality, privacy, and conflict of interest will be explored and considered by DCFS staff in partnership with the child, youth and family or legally responsible person. If DCFS staff determines the family member or friend is not competent or appropriate for any of these reasons, competent interpreter services will be provided by the Division. In all circumstances in which the services of an interpreter are used, whether a family member, friend, neighbor, etc. or a professional interpreter, DCFS staff is required to obtain an executed Authorization to Release Confidential Information Form (Attachment D) from the legally responsible person.

Minor children or other clients will not be used as interpreters.

D. Providing Written Translations

When translation of vital documents is needed, the documents will be submitted to the supervisor, who will have the documents translated and distributed. Languages that are frequently-encountered will be determined by assessing the demographics of the populations served (see Section III. F. of this policy). Original documents being submitted for translation will be in final, approved form with complete and accurate information. Once forms are translated, they will be distributed to all applicable DCFS staff.

DCFS staff will provide translation of other written materials, if needed, as well as written notice of the availability of translation, free of charge, for LEP individuals.

E. Providing Notice to LEP Persons

DCFS staff will inform LEP persons of the availability of language assistance, free of charge, by providing written notice in languages the LEP person(s) will understand. At a minimum, notices and signs will be posted and provided in intake areas and other points of entry, including but not limited to the reception rooms, check in desks, hallway bulletin boards, offices, etc. Notification will also be provided through one or more of the following: outreach documents, telephone voice mail menus, local newspapers, radio and television stations, and/or community-based organizations.

F. Monitoring Language Needs and Implementation

On an annual basis, the DCFS PEU will assess changes in demographics including frequently encountered languages, types of services or other needs that may require re-evaluation of this policy and its procedures and provide this information to the Deputy Administrator, Children's Mental Health. In addition, the DCFS PEU will regularly assess the efficacy of these procedures, including but not limited to mechanisms for securing interpreter services, equipment used for the delivery of language assistance,

complaints filed by LEP persons, feedback from children, youth and families or the legally responsible person, community organizations and other stakeholders, etc.

IV. DEFINITIONS *(Please see DCFS Glossary of Terms dated 01-17-14 for additional definitions)*

A. Limited English Proficient (LEP)

Mean individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English in a manner that permits them to communicate effectively with DCFS, and/or are hearing impaired can be limited-English proficient, or “LEP.”

B. Language Assistance

Means all oral and written language services needed to assist LEP individuals to communicate effectively with DCFS' staff.

C. Primary Language

Means the language that an LEP individual identifies as the language he or she uses to communicate effectively.

D. Frequently-Encountered Language

Means any language spoken by a significant number or percentage of the population eligible to be served or likely to be directly affected by DCFS' programs and services.

E. Linguistic Competence

Means the capacity of an organization and its personnel to communicate effectively and convey information in a manner that is easily understood by diverse audiences including persons of limited-English proficiency; those who have low literacy skills or are not literate, and individuals with disabilities (Goode & Jones, 2006).