



COLORADO

Department of Health Care
Policy & Financing

Communication with Individuals with Limited English Proficiency

October 2015

POLICY:

The Colorado Department of Health Care Policy and Financing will take reasonable steps to ensure that individuals with Limited English Proficiency (LEP) have meaningful access and an equal opportunity to participate in our programs, services and activities. The policy of the Colorado Department of Health Care Policy and Financing is to ensure meaningful communication with LEP applicants, program participants, clients and their authorized representatives involving the department's programs, services and activities as well as eligibility, enrollment and benefit information. The policy also provides for communication of information contained in vital documents, including but not limited to, waivers of rights, notice of privacy practices and HIPAA privacy forms, financial and insurance benefit forms, etc. The department will provide all interpreters, translators and other aids needed to comply with this policy in a timely manner and free of charge, and applicants, program participants, clients and their authorized representatives will be informed of the availability of this free assistance.

Language assistance will be provided through use of competent bilingual staff, staff interpreters, contracts or formal arrangements with local organizations providing interpretation or translation services, or technology and telephonic interpretation services.

All staff will be provided written notice of this policy and procedure, and will be trained in effective communication techniques, including the effective use of an interpreter.

The Colorado Department of Health Care Policy and Financing will conduct a regular review of the language access needs of our client population, as well as update and monitor the implementation of this policy and these procedures, as necessary.

Our mission is to improve health care access and outcomes for the people we serve while demonstrating sound stewardship of financial resources.
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PROCEDURES:

1. IDENTIFYING LEP INDIVIDUALS AND THEIR LANGUAGE

The Colorado Department of Health Care Policy and Financing will promptly identify the language and communication needs of the LEP individual. If necessary, staff will use LEP.gov's "I speak cards," available on the department website to determine the language. In addition, when records are kept of past interactions with clients or their authorized representatives, the language used to communicate with the LEP individual will be included as part of the record.

2. OBTAINING A QUALIFIED INTERPRETER

The Colorado Department of Health Care Policy and Financing's Operations Section maintains an accurate and current list showing the name, language and phone number of bilingual staff. This list is available on the department's SharePoint site in the "Who Does What: A Staff Resource Directory".

In the event that an interpreter is needed, staff will obtain a language interpreter in a timely manner via one of the following methods. If assistance is needed, staff will consult with the 504/ADA Coordinator.

- (a) Contacting appropriate bilingual staff member to interpret, if an employee who speaks the needed language is available and is qualified to interpret or;
- (b) Obtaining an outside interpreter if a bilingual staff or staff interpreter is not available or does not speak the needed language or if an outside interpreter is requested by the LEP individual.

Some LEP individuals may prefer or request to use a family member or friend as an interpreter. However, family members or friends of the LEP individual will not be used as interpreters unless specifically requested by that individual and after the LEP individual has understood that an offer of an interpreter at no charge to the individual has been made by the department. Such an offer and the response must be documented and given to the 504/ADA Coordinator to be placed in the individual's file. If the LEP individual chooses to use a family member or friend as an interpreter, issues of competency of interpretation, confidentiality, privacy, and conflict of interest will be considered. If the family member or friend is not competent or appropriate for any of these reasons, competent interpreter services will be provided to the LEP individual.

NOTE: Minor children will not be used to interpret, in order to ensure confidentiality of information and accurate communication.



3. PROVIDING WRITTEN TRANSLATIONS

(i) When translation of vital documents is needed, each office of the Colorado Department of Health Care Policy and Financing will submit their documents for translation into frequently-encountered languages to an outside translation agency. Original documents being submitted for translation will be in final, approved form with updated and accurate legal and medical information.

(ii) The Colorado Department of Health Care Policy and Financing 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.

(iii) The Colorado Department of Health Care Policy and Financing will set benchmarks for translation of vital documents into additional languages over time.

4. PROVIDING NOTICE TO LEP INDIVIDUALS

The Colorado Department of Health Care Policy and Financing will inform LEP individuals of the availability of language assistance, free of charge, by providing written notice in languages LEP individuals will understand. At a minimum, notices will be posted and provided at all program sites and facilities and on the department websites. Notification will also be provided through one or more of the following: program handbooks, public meeting agendas, and eligibility and enrollment applications and correspondence.

5. MONITORING LANGUAGE NEEDS AND IMPLEMENTATION

On an ongoing basis, the Colorado Department of Health Care Policy and Financing will assess changes in demographics, types of services or other needs that may require reevaluation of this policy and its procedures. In addition, the Colorado Department of Health Care Policy and Financing 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 individuals, feedback from clients and community organizations, etc.

STAFF TRAINING:

All staff must attend nondiscrimination compliance training which will address effective communication requirements, responsibilities, and methods. This training will be conducted by the 504/ADA Coordinator.

New employees will be trained as soon as possible after beginning work for the Department. Training sessions will be offered at least once per month. Documentation of training completion will be retained by the Legal Division.



Prior to formal training, staff are expected to review the department's Nondiscrimination SOP to ensure the programs, services and activities of the department are accessible to and useable by all individuals and to protect against discrimination.

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