



**DHMH** OFFICE OF EQUAL OPPORTUNITY PROGRAMS

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Equal Access Compliance Unit

# Local Limited English Proficiency (LEP) Coordinator Guide

## Section 1: What is the Equal Access Compliance Unit?

The Equal Access Compliance Unit (EACU) is within the Office of Equal Opportunity Programs (OEOP). This office's primary function is to ensure that services, benefits, and activities offered and/or funded by DHMH and /or the Federal government are provided in a non-discriminatory manner. This includes ensuring the adequate provision of services to individuals who have Limited English Proficiency (LEP) and individuals with disabilities, as defined by the Americans with Disabilities Act (ADA), and its amendments.

EACU accomplishes its purpose by assigning a Lead LEP and ADA Coordinator whose responsibilities include conducting Compliance Reviews, Technical Assistance, Training and/or Investigations when violations of regulations governing LEP or ADA have been alleged.

## Section 2: What is LEP?

LEP is used to describe individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. These individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter.

Current regulations require that all providers and other recipients or sub-recipients of federal financial assistance provide meaningful access to LEP persons. DHMH is considered a covered entity; therefore, this coverage extends to ALL of DHMH. This means that if only part of a program, service, facility, board, commission and /or health department receives federal funding, all other parts of DHMH must be in compliance with LEP regulations.

The laws and policies governing DHMH's LEP compliance include:

- TITLE VI, Civil Rights Act of 1964
- Federal Executive Order No. 13166
- DHMH Policy 01.02.06 –Limited English Proficiency Policy
- DHMH Policy 01.02.04 – Service Nondiscrimination Policy

## Section 3: The Role and Responsibility of the Local Limited English Proficiency Coordinator (LLEPC)

DHMH is comprised of approximately 9000 employees that work in one of just fewer than 100 programs, boards, commissions, facilities and local health departments. Each one of these entities oversees a variety of programs that offer services which benefit the public. It is imperative that the Lead LEP Coordinator, also known as the Equal Access Compliance Manager, have persons available at the *local level* to assist in ensuring that DHMH and other recipients and/or sub-recipients of federal funding are compliant with all LEP regulations and policies. These duties include but are not limited to:

1. Acting as a liaison between the EACU and local entity to address LEP concerns.
2. Disseminating LEP information to the local entity's staff and clientele.
3. Obtaining and producing records regarding LEP services acquired by the local entity.
4. Forwarding complaints of discrimination related to the delivery of services based on national origin or non-compliance of LEP policy, to EACU.

**NOTE:** Each DHMH building, local health department or program located in a non-DHMH building must have the Notice to the Public Non Discrimination Policy Statement and Complaint Procedure (See Appendix) posted in a conspicuous location upon entrance of the building. Please contact EACU at 410-767-6600 to obtain this posting if you become aware that an entity is not in compliance.

## Section 4: Utilizing Interpretation & Translation Services

Per Federal and State statutes, all LEP persons must be notified that interpretation and translation services are offered at **no cost** to them. Each entity has an obligation to budget for this expense and paid for this service to be in compliance with all applicable polices and laws. As of October 2012, DHMH utilizes interpretation and translation services through three vendors procured through the Department of Budget and Management (DBM). DHMH strongly encourages all entities to utilize one of the three following vendors so that each entity is following a consistent process. Services offered by the vendors are at the lowest rates to State agencies.

**TELEPHONIC SERVICES – Language Line Services, Inc. 1-866-874-3972**

**WRITTEN DOCUMENT TRANSLATION – Schreiber Translations, Inc. 301-424-7737 (ext.125 or 107)**

**ON-SITE INTERPRETATIONS- Ad Astra, Inc. 1-800-308-4807**

LLEPCs are the gatekeepers for the language services vendor account information, at the local level. Anytime staff within your program needs access to the account information, they may

contact you or the Lead LEP Coordinator at EACU. Each employee requesting the use of services from one of the three vendors should complete the following steps to ensure proper billing and record keeping:

1. Obtain their program's account and/or client identification number, for the applicable vendor, from the LLEC or Lead LEP Coordinator.
2. Contact the vendor and state the following: the name of the program, health department, facility, board or commission and "DHMH" before obtaining services.
3. Utilize the service.

## Section 5: Annual Reporting

Per the DHMH LEP Policy, page 5, Section C.5, each principal DHMH unit and other covered entities identified by the Department are required to submit an annual report to the OEOP no later than **July 30<sup>th</sup>** of each year. The report should include the following information:

- a. A summary of efforts to fully implement and improve LEP services during that reporting period;
- b. An outline of possible initiatives to enhance LEP services that might be implemented during the forthcoming reporting period;
- c. A listing of vital documents translated in accordance with this LEP policy;
- d. A description (i.e. agency name, language requested, total cost, county, client gender and age, etc.) of the number of individual interpretation and translation services provided to LEP individuals and the process (i.e. telephonic, on-site, translation) used to deliver such services.

This report is submitted by either the LLEPC or another representative designated by the head of the entity. To streamline this process, EACU has created the DHMH Annual Report Forms (see Appendix). Entering data into the applicable fields in real time throughout the reporting year will make submission of this annual report less challenging and time consuming. **NOTE:** There are also times throughout the year where your entity may be asked to provide information contained in this report for review.

## Section 6: Methods for Filing LEP Complaints

There may be times, during your role as LLEPC, that you may be contacted by the public or employees regarding how one may file a LEP complaint. Failure to provide services and equal access to LEP clients is considered a Title VI violation based on national origin. Some examples of Title VI violations, include, but are not limited to:

1. **Telling a prospective client that they must speak English or requiring a relative/friend of the client applying for services to interpret and/or translate in order to receive treatment and /or services.** (i.e., a patient may not feel comfortable asking daughter to explain medical condition or symptoms so patient leaves facility without receiving treatment or allows daughter to translate but is mistreated because patient did not disclose all symptoms.)
2. **Directing staff, who speak the same language as the client to translate although this staff also does not speak English well and whose duties do not include nor have they received training in translation/interpretation.** (i.e., directing a Spanish speaking janitor to translate whenever Spanish speaking clients request services. The janitor may not know the medical terminology and the patient may be unnecessarily denied benefits.)
3. **Requiring client to pay for interpretation/translation service or neglecting to inform client that interpretation/translation services is offered at NO COST to the client.** (i.e., client is unaware translation is offered at no cost to them thus they assume they cannot afford it and does not apply for a program for which they qualify.)
4. **Refusing to assist a client or rescheduling a client to return at another day/time because interpretation/translation services were unavailable.** (i.e., a client is told by intake or front desk staff that they must reschedule because the staff does not know the process to acquire translation services.)

To file a complaint due to an alleged LEP violation parties may do the following:

1. Write or call the Equal Access Compliance Unit, Office of Equal Opportunity Programs, Department of Health and Mental Hygiene, 201 West Preston Street, Room 422-H, Baltimore, Maryland 21202, 410-767-6600 (Voice), 1-800-735-2258 (TTY).
2. Write or call the Director of the entity where the alleged discriminatory act occurred, carbon copying the Equal Access Compliance Unit.
3. Mail, email or fax a complaint to the U.S. Department of Health and Human Services, Office of Civil Rights, 150 South Independence Mall, West, Suite 372, Philadelphia, Pennsylvania 19106, 215-861-4431 (fax) <http://www.hhs.gov/ocr/civilrights/complaints/index.html>

If you, as the LLEPC or the head of the entity, receive a complaint alleging a violation in the delivery of services due to national origin (i.e. limited English), race, color, age, sex, religion or disability, you **must contact the Office of Equal Opportunity Programs at 410-767-6600.**