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Limited English Proficiency (LEP) Plan

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Limited English Proficiency Plan

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100 - Purpose and Legal Basis

The following document serves as the Lake County Health & Human Services (LCHHS) plan to offer meaningful access and to meet the legal obligation of language access requirements in compliance of Title VI of the Civil Rights Act of 1964, 42 USC 2000 et seq.; 45 CFR Part 80; Guidance to Federal Financial Assistance Recipients Regarding Title VI {Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 68 FR 47311 (2003); and 65 FR 52762 (2000).

There are four components to this document.

200 - Assessment

300 - Policy

400 - Training

500 - Monitoring

200 - Assessment

201 - Needs Assessment - LCHHS will on at least an annual basis make a needs assessment of the unique language needs within Lake County. Consultation will be made with the school district in the County. Additionally, consultation will be made with the Legal Aid office located in Duluth. Consultations will aim at trying to discern the types of non-English languages that are most predominant in Lake County and which constitute populations that the County serves or those that may be eligible for County-provided services. The County will also be amenable to receive County-specific data from the Department of Human Services to assist in this form of needs assessment. The following non-English language has been identified as being the most likely to be encountered in Lake County: **Spanish**

202 Case Finding - Specific language needs of each applicant with LEP will occur at the time of intake or application. This will primarily be done by reviewing the language preference questions on the **Health Care Application** (HCAPP) and the **Combined Application Form** (CAF). Language preferences will be entered into the applicant's primary language field in the MAXIS system. If an interpreter is needed, it also will be entered in the MAXIS system. If the main receptionist or intake worker suspects that the applicant is a person with LEP, the worker will present the LEP person with a card that lists the ten major languages in order to determine which language is involved, if any. It is expected that efforts will be made by LCHHS to provide same-day interpreter services. LCHHS may determine that meaningful access to non-English speaking applicants and recipients may include the use of translated documents which are available at DHS edocs website (<http://edocs.dhs.state.mn.us>).

203 Points of Contact - The greatest likelihood of need for interpreter services will be at the point of intake - at the time of an emergency or application for financial assistance. The principal point of contact will most likely be, therefore, in the office setting in Two Harbors. The most appropriate form of interpreter services will likely be language assistance in completion of an application for financial assistance or health care. The other point of contact may involve field-based contact when conducting child protection assessments. These contacts will typically take place in the home of the child's caretaker or parent.

204 Resources Needed - LCHHS will utilize its extant informal linkage with **Superior Translations** (1-218-727-2572) in Duluth, Minnesota, for interpreter services during normal business hours. Additionally, LCHHS will utilize **Language Line Services** (1-800-528-5888) after normal business hours. When feasible, on-site interpreter services will be made available and would be the first preference. (Note: The closest available interpreter is 26 miles from LCHHS.) Use of reciprocal faxing processes will be used when necessary to facilitate completion of applications and processing of interviews.

205 Timely Access - The **Superior Translations** (1-218-727-2572) service is available during customary business hours, Monday through Friday, 9:00AM to 4:00PM. **Language Line Services** (1-800-528-5888) are available 24 hours per day, 7 days per week. Contact with either entity will be made by commercial phone. When on-site interpreter services are to be used, it will be necessary to schedule appointments at mutually convenient times for the client and the interpreter.

300 Policies and Procedures

301 Agency Commitment - LCHHS is committed to the spirit of the Civil Rights Act of 1964. It recognizes the importance of providing meaningful access to all persons, including persons with LEP, to the various programs operated under the hubris of "Lake County Health & Human Services". LCHHS has, by prior action, adopted a policy statement entitled **Civil Rights Compliance Requirements** effective 1-1-95, this in conformity with DHS Bulletin #94-84A dated 12-27-94.

302 Range of Oral Language Assistance - There will be limited oral language assistance on site in the LCHHS Two Harbors-based agency from current agency employees. Employees have very cursory proficiency in several non-English languages. Rather, Lake County's current practice of using Superior Translations, Duluth (218 - 727-2572) will continue in the future. Use of **Superior Translations** services is seen as encompassing 100% of the LEP needs of LCHHS. Use of **Language Line Services** will take place as necessary.

LCHHS will take advantage of the 10 brief "free interpreter" documents for persons with LEP as they are made available by the Department of Human Services. Where applicable,

and as a program practice, LCHHS will use its best efforts to assign clients with LEP to bilingual staff who speak their language.

303 Uncommon Languages - There may be circumstances when clients present for services who use a language other than that most commonly used in Lake County. There may be languages such as Spanish, Russian, Hmong, Vietnamese, Khymer/Cambodian, Lao and Somali, as well as sign language, needed. Receptionist staff will refer all such cases to the Financial Assistance Supervisor, Social Service Supervisor or Director. This person will be responsible for trying to determine the client's language or country of origin. Once determined, contact will be made with an appropriate interpreter in the customary manner.

304 Affirmative Action - The LCHHS employee handling the case will inform either the client or the interpreter once it has been determined that interpreter services are needed, that there is no charge or fee for the service. This will be communicated in verbal form. At no time in the service delivery process will the client incur any costs associated with LEP-directed interpreter services.

305 Use of Family and Friends - Use of family or friends as interpreters is not the preferred method of providing interpreter services, and staff should never require, suggest, or encourage a client with LEP to use family members or friends as interpreters. However, when the intake worker has determined that it is not feasible to use formalized interpreter services, a consultation will be made with that workers immediate Supervisor or Director. Alternative methods of customer service will need to be discussed. If the worker has determined that a family member, friend or other responsible party can adequately perform the interpreter service, approval may be given. The worker needs to feel confident that the client's data privacy rights will be protected and that the quality of the interpreter services to be provided by the family member or friend will be acceptable.

The worker will need to document in the case file the extenuating circumstances for use of family or friends, particularly that the family was offered other interpreter services and that the client insisted that a family member or friend be used.

Under no circumstances may minor children be used for interpreter services.

306 Competency Standards for Interpreters - Any interpreter used for LEP services must be bi-lingual: fluent in English and fluent in the language of the client needing the service, and be able to convey information in both languages accurately, have had orientation/training that includes the skills and ethics of interpreting, have basic knowledge in both languages of specialized program terms or concepts, and be sensitive to the client's culture. When using professional interpreter services provided from a recognized agency, such as the

Superior Translations and Language Line Services, competency is presumed. When using family, friends or significant others, the intake worker must make a judgment as to the competency of the proposed interpreter. "Certification" as an interpreter is not a prerequisite.

307 Dissemination of LEP Plan - Copies of the LEP Plan will be provided to the following: all LCHHS employees who have direct client contact, area Legal Aid office, and Lake County Courthouse. A copy of the main public announcement of the public's right to language assistance services emphasizing that these services are offered free of charge is prominently displayed in the LCHHS central reception area (DHS - 1659).

308 Services To Illiterate - When confronted with a situation in which the client is illiterate - cannot read or write in his or her native language - it is incumbent that LCHHS find a suitable interpreter, one who can assist the person in completion of necessary forms, documents and the like. The LCHHS intake worker needs to make the determination, in conjunction with the interpreter, about the clients' literacy skills. The clear choice in dealing with cases of illiteracy will be to have an on-site interpreter. It may be necessary to schedule interviews when face-to-face interpreter services can be provided. Faxing of forms and over-the-phone services may be required on a case-by-case basis.

309 Emergency Situations - When a determination has been made that an emergency exists, LCHHS will take whatever steps are deemed necessary to ensure that all clients, including clients with LEP, have access to services within the appropriate time frames. LCHHS goal is to make services accessible within the required time frame, whether that means using an interpreter or any other appropriate type of language assistance.

310 Access To and Costs of Interpreters - Under no circumstances will LCHHS indicate - either verbally or in writing - that any applicant or client in need of LEP services will be charged for interpreter or translation services. All such services shall be at no expense to the applicant or client. Such services will be provided during all normal business hours and, when necessary, during non-business hours when an emergency has been determined to exist.

311 Notice of Service Availability - LEP clientele will be informed of the availability of free interpreter and translation services at the point when it appears that the client is not able to communicate in English. Notice of service availability will come from the DHS document in the central reception area. Distribution of the LEP Plan to various parties cited above will help in putting those entities on notice that interpreter and translation services are available on a timely basis and free of charge. Use of material that has been translated into Spanish will be used immediately when it has been determined that the person presenting for service is not able to understand English. Insofar as the Department of

Human Services has translated many forms into multiple languages, LCHHS will access these forms as necessary. Access to the Department's website at www.dhs.state.mn.us/forms will be made. Additionally, translated income maintenance forms located in **TEMP Manual** 12.01.13 will be accessed as needed.

312 County-Produced Materials - Insofar as the LEP census in Lake County is limited, it is not anticipated that LCHHS will develop any LCHHS-produced material. Rather, LCHHS will rely on the state-produced documents as the primary source of translated materials. Downloading of documents from the DHS web-page will also be used as necessary. LCHHS will follow DHS's translation numerical guidelines as required.

313 Procedure for Using/Distributing Translated Forms - Workers will always ask LEP clients if they want a translated form as opposed to an English version of the form. Workers will record a recipient's language preference for forms in a recipient's case file, and also automatically send translated versions of regularly distributed forms to recipients who have indicated a language preference.

314 Complaint Resolution Protocol - Any adverse action taken by LCHHS with which an applicant or recipient disagrees is subject to complaint. LCHHS has a formal complaint process that can be utilized to try to resolve any dispute. In the absence of local resolution, the person making the complaint will be informed in a language understandable to the grievant, of the process to follow to make a complaint. The complaint procedure will conform in all respects to the procedure included in the **Lake County Health and Human Services Comprehensive Civil Rights Plan**. Appropriate use of interpreter services with either the **Superior Translations** or **Language Line Services** to facilitate the dispute resolution process will take place.

315 Posting - A copy of the LCHHS **LEP Plan** will be posted on the main bulletin board in the central lobby.

400 Training

401 Distribution of LEP Plan - All LCHHS employees who have direct contact with clients will be provided a copy of the **LEP Plan** upon its adoption. If any changes are made in the document, a revised copy will also be provided to the same entities listed in #307.

At this time, the following employees will be recipients of the document:

- All Financial Services Staff
- All Social Services Staff
- All Office Support Staff

All Child Support Staff
All Public Health Staff
The Fiscal Supervisor
The Director

402 Training of Staff - Initial - With approval of the LEP Plan, there was initial training on the document for all staff at Lake County Health & Human Services. Annual training takes place for current staff during a "General Staff" meeting. For any new employee affected by the LEP Plan, this document will be incorporated into that person's orientation protocol at the time of hire.

403 Training of Staff - Ongoing - A review of the LEP Plan takes place on at least an annual basis at a General Staff LCHHS meeting.

500 - Monitoring

501 Evaluation of the LEP - On at least an annual basis, the LEP Plan will be reviewed for effectiveness. This review will normally take place in December. It will be coordinated by the LCHHS LEP Coordinator. The evaluation will involve consultation with representatives of the Financial Services Unit and Social Services Unit to determine compliance with the LEP Plan, identification of any problem areas and development of required corrective action strategies. Elements of the evaluation will include the following:

- *Number of persons with LEP in Lake County.
- *Assessment of current language needs of LCHHS applicants and clients to determine if the client needs an interpreter and/or translated materials; updating of case files which lack information about a client's language preference; determining if clients need to be asked their language preference at the time of certification.
- *Determining whether existing assistance is meeting the needs of applicants and clients with LEP.
- *Assessing whether staff members understand LCHHS LEP policies and procedures and how to carry them out, and whether language assistance resources and arrangements for those resources are still current and accessible.
- *Seeking and obtaining feedback from non-English or limited-English speaking communities in Lake County including applicants and clients as well as any known community organization or advocacy group working with non-English or limited-English speaking communities.

502 - LEP Contact Person -For purposes of the LEP Plan, Lake County's designated contact person is the Director with appropriate delegation made to the Financial Assistance Supervisor and the Social Service Supervisors of the agency.