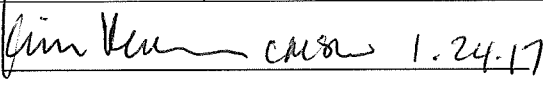


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Subject: Limited English Proficiency		Accountability: Customer Services	Effective Date: 1/1/2014	Pages: 3
REQUIRED BY: BBA Section <u>42 CFR 438.10</u> PIHP Contract Section <u>FY17 Section 6.3.2., 18.1.6</u> NCQA/URAC Standard _____ Other <u>OCR – Title VI, OCR Section 1557</u>		Last Reviewed Date: 1/10/17	Past Reviewed Dates: 4/24/15 1/1/15	
LINE OF BUSINESS: <input checked="" type="checkbox"/> Specialty Waiver (B/C) <input checked="" type="checkbox"/> 1115 Waiver <input checked="" type="checkbox"/> Healthy Michigan <input checked="" type="checkbox"/> SUD Medicaid <input checked="" type="checkbox"/> SUD Block Grant <input checked="" type="checkbox"/> MI Health Link <input type="checkbox"/> Other: _____	APPLICATION: <input checked="" type="checkbox"/> SWMBH Staff and Ops <input checked="" type="checkbox"/> Participant CMHSPs <input checked="" type="checkbox"/> SUD Providers <input checked="" type="checkbox"/> MH / DD providers <input type="checkbox"/> Other: _____	Last Revised Date: 1/10/17	Past Revised Dates: 4/24/15 1/1/15	
Approved:  1.24.17		Required Reviewer: Director of UM and ME		
Date: _____				

I. Purpose

To identify means by which Southwest Michigan Behavioral Health (SWMBH) will comply with Limited English Proficiency (LEP) requirements. A person who is identified as LEP is a person who does not use English as their primary language for oral or written method of communication. Collaboration within our service area and with our community partners will occur in order to ensure equal access and quality service and to enhance the person-centered process for persons with limited English proficiency, visual, hearing or cognitive communication impairment.

II. Policy

No otherwise qualified person shall be excluded from participation in, be denied the benefits of, or be subject to discrimination in any mental health programs or services or related activities on the basis of language spoken. Current and prospective customers seeking services shall be provided accurate and timely language assistance and effective communication at no cost to them.

III. Standards and Guidelines

- A. No otherwise qualified person shall be excluded from participation in, be denied the benefits of, or be subject to discrimination in any mental health programs or services or related activities on the basis of language spoken. Current and prospective customers seeking services shall be provided accurate and timely language assistance and effective communication that protects the privacy and independence of the individual with LEP at no cost to them.
- B. SWMBH will ensure all written materials provided to service applicants and customers will be written in plain language so that they may be understandable to those persons. All such materials shall be written at the 4th grade reading level when possible (i.e., in some situations it is necessary to include medications, diagnosis and conditions that do not meet the 4th grade level criteria).
 - 1. SWMBH will ensure that accommodations are provided to assist with understanding of materials for individuals with special needs or impairments.

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2. For persons who are not able to read, arrangements will be made to ensure that materials are read to, and/or explained to them in terms they may understand.
 3. All materials shall be available in alternative formats in accordance with the Americans with Disabilities Act (ADA). Beneficiaries shall be informed of how to access the alternative formats.
 4. Material shall not contain false, confusing, and/or misleading information.
- C. All written materials for potential enrollees must include taglines in the prevalent non-English languages in the State, as well as large print, explaining the availability of written translations or oral interpretation to understand the information provided and the toll-free telephone number of the entity providing choice counseling services as required by 438.71(a).
1. Taglines in the top 15 languages spoken by individuals with LEP in Michigan will be posted in conspicuously visible font size in: 1) Significant publications/communications targeted to beneficiaries, enrollees, applicants, members or the public, except small sized-communications; 2) conspicuous locations where SWMBH interacts with the public; and 3) a conspicuous location on the SWMBH website accessible from the SWMBH home page.
 2. Taglines in the top 2 languages spoken by individuals with LEP in Michigan will be posted in conspicuously visible font size in significant communications/publications that are small-sized (postcards, tri-fold brochures).
- D. All materials shall be available in the languages appropriate to the people served within SWMBH's area for specific Non-English Language that is spoken as the primary language by more than 5% of the population in SWMBH's Region. Such materials shall be available in any language alternative to English as required by the Limited English Proficiency Policy Guidance (Executive Order 13166 of August 11, 2002 Federal Register Vol. 65, August 16, 2002).
1. SWMBH will utilize the most current census data applicable for the SWMBH region in order to determine the language thresholds and safe harbors.
 2. Any requested document will be translated into languages, other than English, as requested by the individual.
 3. Any requested document may be read onto audio tape and/or made available in Braille for individuals with visual impairments.
 4. Auxiliary aids and services will be made available upon request to the individual.
- E. SWMBH will inform customers that translation and interpretation services will be provided at no cost to the customer.
1. Staff shall not require an individual with LEP to provide his/her own interpreter
 2. Staff will communicate that the use of a family member and/or friend as a language interpreter is not recommended.
 3. Staff shall not rely on a minor child to interpret or facilitate communications with limited exceptions.
 4. Staff shall not rely on staff other than qualified bilingual/multilingual staff to communicate directly with the individuals with LEP.
 5. If an individual chooses to utilize a family member and/or friend as a language interpreter, staff will document the choice.
- F. SWMBH providers and participant Community Mental Health Service Providers (CMHSP) will have procedures in place to provide translation and interpretation services to any individual seeking services who requests such. These procedures will at a minimum include the following:
1. Maintain list of internal staff that may be available to interpret and the certification they have to do so.
 2. Telephone interpretation services for individuals for emergency and intake processes.

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3. An identified contracted agency to provide qualified translation services for customers during services.
 4. A policy that identifies when family members or friends may or may not be used to translate for customers – unless the customer has made the informed choice to work with family/friend over SWMBH provided interpreter service.
- G. Use of Michigan Relay Center (MRC) will be promoted throughout the SWMBH network. Providers within the SWMBH network may elect to utilize teletypewriter (TTY) or Telecommunication Device for the Deaf (TDD) equipment and will publicize their specific number to customers.
- H. LEP training will be provided to SWMBH and participant CMHSPs /provider staff as indicated per SWMBH guidelines.
- I. Monitoring of participant CMHSPs for adherence to these standards will occur annually.

IV. Definitions

A. Qualified Translator/Interpreter

A person who has been tested and certified by a recognized body to provide an accurate interpretation from English to the oral or written language of the recipient. The interpreter must be familiar with the terminology to be used and be committed to confidentiality.

B. Telephone Interpretation Service

Interpreters who provide language interpretation services over the telephone.

V. References

MDHHS/PIHP Contract FY17, Section 6.3.2. Information Requirements

42 CFR 438.10

Office of Civil Rights, Policy Guidance – Title VI: Prohibition Against National Origin Discrimination As It Affects Persons with Limited English Proficiency

Office of Civil Rights, Section 1557 of the Patient Protection and Affordable Care Act

VI. Attachments

None

