Subject: Limited English Proficiency	**Accountability:** Member Services	**Effective Date:** 1/1/2014	Pages: 3
REQUIRED BY: **BBA Section** 42 CFR 438.10 **PIHP Contract Section MDHHS/PIHP Contract FY '17:** Part I, 18.1.6: Limited English Proficiency; Part II (A), 4.5: Cultural Competence & 6.3.2: Information Requirements); Contract Attachment P.4.1.1: Access System Standards) **Three Way Contract (MDHHS/ICO/CMS):** 2.7.6.11: Provider Education & Training, 2.14.2: Requirements For Materials, & Appendix C **NCQA/URAC Standard** RR 3: Subscriber Information & RR 4: Practitioner and Provider Directories **Other** OCR – Title VI;		Last Reviewed Date: 6/5/17	Past Reviewed Dates: 8/26/15
LINE OF BUSINESS: ☐ Specialty Waiver (B/C) ☐ 1115 Waiver ☐ Healthy Michigan ☐ SUD Medicaid ☐ SUD Block Grant ☒ MI Health Link ☐ OTHER:_____	**APPLICATION:** ☒ SWMBH Staff and Ops ☒ Participant CMHSPs ☒ SUD Providers ☒ MH / DD providers ☐ Other:_____	Last Revised Date: 6/5/17	Past Revised Dates: 8/26/15
Approved : [signature] 7.14.17 Date: _____		Required Reviewer: Director of UM & ME	

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 members seeking services shall be provided accurate and timely language assistance and effective communication through bilingual staff, interpreter services and/or alternative formats, in order to obtain information about benefits and access to services, at no cost to them. Services shall be provided in a culturally competent manner to all enrollees, including those with limited English proficiency or reading skills, and diverse culturally and ethnic backgrounds.

III. Standards and Guidelines

A. If an individual seeking services can self-identify the language accommodations needed for effective communication, this will be documented and the accommodations will be made. If the individual is not able to identify needs, an assessment will be done to determine those needs.

B. SWMBH will ensure all written materials provided to service applicants and members will be written in plain language so that they may be understandable to those persons.
   1. SWMBH will ensure that accommodations are provided to assist with understanding of materials for individuals with special needs or impairments.
   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.

C. SWMBH will utilize the most current census data applicable for the geographic area where services are provided in order to determine the language thresholds and safe harbors. Threshold for translation of vital documents being when the population reaches 1000 persons or 5% of total specific language, whichever is less. (Vital documents examples are: Consent forms, Member Handbook, person centered plans, grievance and appeals process documents, or any item requiring a response from a recipient of services.)
   1. Vital documents will be translated into languages, other than English, as determined by the number or percentage of the affected population needs for services or information in other languages to communicate effectively.
   2. Vital documents may be read onto audio tape and/or made available in Braille for individuals with visual impairments.

D. Interpretation services will be provided at no cost to the member.
   1. Interpretation will be provided telephonically or face to face when there is an identified LEP need.
   2. Staff will communicate that the use of a family member and/or friend as a language interpreter is not recommended.
   3. If an individual chooses to utilize a family member and/or friend as a language interpreter, staff will document the choice.

E. SWMBH providers and participant CMHSP's 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.
   3. An identified contracted agency to provide qualified translation services for members during services.

F. Michigan Relay Center and or use of TTY/TDD equipment will be made available at each provider or participant CMHSP of SWMBH.

G. LEP training will be provided to SWMBH and participant CMHSP's/provider staff as indicated per SWMBH guidelines.

H. SWMBH's web-based directory shall include the languages spoken by the practitioner or the staff and shall be searchable by language spoken.

I. Monitoring of participant CMHSP's 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.

A. Telephone Interpretation Service: Interpreters who provide language interpretation services over the telephone.
B. Persons with Limited English Proficiency (LEP): Individuals who cannot speak, write, read or understand the English language at a level that permits them to interact effectively with health care providers and social service agencies.

V. References

A. MDHHS/PIHP Contract: Part I, 18.1.6: Limited English Proficiency
B. MDHHS/PIHP Contract: Part II (A), 6.3.2: Information Requirements
C. MDHHS/PIHP Contract: Part II (A) 4.5: Cultural Competence
D. MDHHS/PIHP Contract: Attachment P 4.1.1: Access System Standards
E. Three Way Contract (MDHHS/ICO, CMS): 2.7.6.11: Provider Education & Training
F. Three Way Contract (MDHHS/ICO, CMS): 2.14.2: Requirements For Materials
G. Three Way Contract (MDHHS/ICO, CMS): Appendix C: Section C.8.2
H. 42 CFR 438.10
I. Office of Civil Rights, Policy Guidance- Title VI Prohibition Against National Origin Discrimination As It Affects Persons with Limited English Proficiency
J. NCQA, Member Rights and Responsibilities, Section 4 A & B

VI. Attachments

A. None