

**OFFICE OF THE GOVERNOR
DIVISION OF MEDICAID**



LIMITED ENGLISH PROFICIENCY PLAN

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**OFFICE OF THE GOVERNOR
DIVISION OF MEDICAID**

Limited English Proficiency Plan

SUBJECT: Provision of Services to Individuals with Limited English Proficiency

Purpose: To provide guidance for services to individuals with limited English proficiency, establish reporting and records retention requirements, training, and administrative program support procedures.

Actions: Bureau Directors shall ensure that all appropriate staff receive a copy of the plan and appropriate training to facilitate understanding and implementation.

Application: Title VI of the Civil Rights Acts of 1964
Section 504 of the Rehabilitation Act of 1973

Contact: Bureau of Provider and Beneficiary Relations

Effect on Other Directives: Mississippi State Plan
DOM Provider Policy Manual
DOM Eligibility Manual
DOM Employee Manual

Distribution:

DOM Deputy Administrators
DOM Bureau Directors
DOM Division Directors
All Eligibility Staff

Provision of Services to Individuals with Limited English Proficiency

I. Introduction

This plan is established to:

- ◆ Define the compliance requirements mandated by Title VI of the Civil Rights Act of 1964, U.S.C. Section 2000d, pertinent to the provision of services to individuals with limited English proficiency (LEP).
- ◆ Establish procedures for requisitioning forms in Spanish and Vietnamese and for hiring and utilizing qualified interpreters. The policy provides provisions to ensure awareness of the program by beneficiaries/applicants with limited English proficiency, employee training and requirements for reporting, records retention for the LEP program and monitoring oversight of the language assistance program to ensure LEP persons meaningful access to the program.

General Information

The LEP program is supported at the State Office level by each programmatic Bureau and the Bureau of Provider and Beneficiary Relations. The Bureau of Provider and Beneficiary Relations is the contact for beneficiary program/service issues. The Bureau of Human Resources is the contact for employee-related issues. This plan provides general guidance for the implementation of the program and specific guidance for program support and required records and reports.

II. Assessment

The Division of Medicaid (DOM) has conducted an assessment of the language needs of the Hispanic and Asian population in the State of Mississippi.

According to the U. S. Census Bureau 2000, the Asian population in the State is approximately 18,626. Asian is defined as a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam. It includes Asian Indian, Chinese, Filipino, Korean, Japanese, Vietnamese, and Other Asian. The Vietnamese represent approximately 8,000 persons in Hancock, Harrison and Jackson Counties. Other counties with a high Asian population include Hinds, Oktibbeha and Madison. Table 1 in Appendix I shows the 25 counties with the highest Asian population in the State.

The State's Hispanic population has doubled over the past decade. Combined, the three coastal counties – Harrison, Hancock and Jackson – had 8,492 Hispanic residents, according to Census 2000. Mississippi had slightly fewer than 40,000 Hispanics in 2000. Tables 2 in Appendix I shows the 25 counties with the highest Hispanic population in Mississippi.

To document the extent to which the LEP program was needed, the DOM reviewed data on staffing/interpreter availability and the average number of Asian and Hispanic persons/families served during the year 2000 from several State agencies that provided services to Asian/Hispanic populations. Also reviewed were data on services/interpreter services provided to beneficiaries in DOM's 25 regional offices. The results of the data review were as follows:

- The Mississippi Department of Human Services (MDHS) Economic Assistance State Operation Reports for services rendered to clients with LEP were examined. These reports cover all 82 counties in the State. County Directors are responsible for reporting data to State Operations each quarter. Client record of service reports are completed and returned, documenting the state of LEP services in each county. *(See Appendix 2)* During the reporting period of January 1, 2000 to January 1, 2001, an average of 163 families and 456 family members were served by MDHS. The average number of contract interpreter hours was 48, about 3 hours per person and about 9 hours per family during the year. Non-contract hours were 26 or about 5 hours per person and about 15 hours per family. Some counties with LEP clients were using volunteer interpreters while other counties have staff members providing interpreters as needed. The reports suggest that on average 32 counties report services to persons with LEP.
- A survey was conducted to determine the number of persons with LEP who had been served in the 25 Regional Offices of DOM. Based on this, the regional offices were grouped into three levels: high priority, mid-priority and low priority. Languages included Spanish, Vietnamese, Arabic and Hindu. High priority offices primarily served individuals who spoke Spanish. The Planning and Development staff conducted unannounced site visits in December 2000 to the Jackson and Brandon Regional Office to examine posted signs and interview front office staff regarding how a person with LEP would be assisted if they were to come for services. The outcome was that neither office had posted signs or staff trained to assist persons with LEP.
- A second survey was conducted to determine the number of DOM employees who spoke a second language and whether or not they would be willing to assist in working with LEP beneficiaries/applicants. *(See Appendix 3)* The survey was e-mailed to 539 DOM employees. The survey had a 68% response rate and showed that less than 10 individuals spoke a second language. Four (4) individuals spoke Spanish; one individual spoke Thai and Lao; one individual spoke Italian and one individual spoke German. The DOM will use these results to establish an Employee Language Bank.

- Additionally, the Mississippi Department of Education(MDE) statistical reports on the language needs of students in the 152 school districts in the State were reviewed. According to MDE Limited English Proficiency Survey (65 school districts reporting), 3972 students who spoke 14 languages were served in 1999/2000 school year. The languages spoken were Spanish, Vietnamese, Cantonese, Cambodian, Choctaw, Korean, Laotian, Navajo, Tagalog, Russian, Creole(French), Arabic, Portuguese and Japanese. *(See Appendix 4)*

III. Policy on Language Access

State Office Support

Forms/Program Material Translation:

The initial translation of required forms/program materials will be accomplished by the Office of Public Relations. DOM will develop a list of community resources that will provide consumer input on the appropriateness of the translated forms prior to final publication.

New forms/program materials which require translation will be forwarded from respective Bureau Directors to the Office of Public Relations for translation, “proofing”, and integration into the forms/program material distribution system.

Forms Distribution, Reproduction and Storage:

Initial distribution of program materials and forms will be made by the Office of Public Relations. The Basis for Issue (number of forms), will be determined by each Bureau Director and this information forwarded to the Office of Public Information. Forms will be stocked on a limited basis by Purchasing and produced to meet demand as required. Forms will be made available on DOM’s Intranet.

Signs/Language Identification Cards:

Appropriate signs for persons of Limited English Proficiency will be displayed and maintained in each regional, satellite and state office of DOM.. The beneficiary/applicant will be informed that the services of a qualified interpreter are available to him/her at no charge.

The Division of Medicaid will use language identification cards to allow beneficiaries to identify their language needs to staff and for staff to identify language needs of

applicants and beneficiaries. The cards will invite the person with LEP to identify the language he/she speaks. (See Appendix 5) This identification must be recorded in the person with LEP file.

Interpreters

Regional Office requirements for interpreters have been identified based on the number of persons served in 1999-2000, and prioritized in three tiers based on the level of need throughout the State. There are seven (7) high-priority regional offices:

- Brandon-Spanish, Brookhaven-Spanish and Hindu, Cleveland-Spanish and Hindu, Gulfport-Vietnamese and Spanish, Laurel-Spanish, Newton-Spanish and Pascagoula-Vietnamese and Spanish;

Ten (10) mid-priority regional offices:

- Columbus-Spanish, Greenwood-Spanish, Hattiesburg-Spanish and Vietnamese, Jackson-Spanish and Hindu, Kosciusko-Spanish, Meridian-Spanish, Philadelphia-Choctaw, Starkville-Spanish, Tupelo-Spanish and Vicksburg-Spanish;

Eight (8) low-priority regional offices:

- Clarksdale-Spanish and Chinese, Columbia -none reported, Corinth-Spanish, Greenville-Spanish and Hindu, Grenada-Spanish and Vietnamese, Holly Springs-Spanish and Hindu, McComb-Spanish and Natchez-Hindu and Spanish.

Classified advertisements for interpreters will be prepared and published in newspapers. All initial applicants will be interviewed and screened for language proficiency at the State Office. A list of individuals deemed qualified will be provided to each Supervisor for each regional Office where the services of an interpreter are required. All selections of interpreters will be made from the list provided to the regional offices. Contractual terms will be developed by Legal Services with assistance from the Bureau of Eligibility. All interpreters will work on an as-needed basis. Prior to award of a contract, the selected individual(s) must be approved by the State Office.

The Bureau of Eligibility will develop, maintain and routinely update a list of all organizations, and staff members providing bilingual services. The list will include telephone numbers, addresses, languages available, conditions under which the person(s) are available, and hours of availability.

Language Line Services

Language Line Services - a subscribed interpretation service will be utilized for incoming telephone calls when the individual does not speak English. The subscribed interpretation service will provide access in minutes to persons who interpret from English into as many as 140 languages. Each regional office is set up with an automated access code under the DOM identification code.

All essential staff will receive training on the use of the Language Line Service. And all necessary steps will be taken to ensure that staff understand the LEP policy and are capable of carrying it out.

The key to the telephone language interpreter service is to provide meaningful access to benefits and services for LEP persons and to ensure that the language assistance provided results in accurate and effective communication between the Division of Medicaid and applicants/beneficiaries about the types of services and/or benefits available and about the applicants' or beneficiaries' circumstances.

Outreach to LEP Persons

A Memorandum of Understanding (MOU) will be developed with the Migration and Refugee Center, Catholic Social and Community Services, Biloxi, MS, to outreach with the Vietnamese and Spanish speaking population. DOM will also seek to establish a similar MOU with Catholic Charities Hispanic Ministries. An additional Memorandum of Understanding will be developed with the Coalition for Citizens with Disabilities for training assistance.

Required Statistical Reporting (Regional Offices)

Documentation of outreach to persons with limited English proficiency is essential. Each Area Supervisor must monitor requests for LEP services. Specifically the number of requests/ telephone calls, reporting period, language spoken, type of assistance requested, etc. (*See Appendix 6*). Reports should be submitted on a monthly basis to the Bureau of Eligibility. Monthly reports should follow the format outlined in Appendix 6.

The Bureau of Eligibility will submit quarterly reports to the Bureau of Provider and Beneficiary

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The Bureau of Eligibility will submit quarterly reports to the Bureau of Provider and Beneficiary

Relations. The statistical report is required on a quarterly basis beginning October 1, 2001. *(See Appendix 6)* A copy of the Limited English Proficiency report will be sent to the Bureau of Provider and Beneficiary Relations within two weeks of the end of the quarter and should contain the following information:

1. Reporting period (ex. July 1, 2001 - September 30, 2001)
2. Number of Beneficiaries served
3. Number of Applicants/family members served
4. Language Spoken
5. Sensory Impairments (please specify- blind, deaf)
6. Interpreter Hours of service (contract)
7. Interpreter Hours of Service (non-contract - Friend or Family Member)

All regional offices will retain copies of their reports at the regional office for a period of five years. Records/reports are subject to an announced or unannounced review by the Office of Civil Rights (OCR).

Regional Office LEP Policies

All Regional Offices are required to maintain a copy of the LEP plan on file. Clearly, each Regional Office has a different level of need that is directly related to the number of beneficiaries or applicants with LEP served. Therefore, a goal of the LEP program implementation process is centralized planning and support from the State Office and decentralized execution at the regional level, utilizing a cost effective process.

Provider LEP Policies

As a part of Title VI Civil Rights Act of 1964, Medicaid providers are required to prepare and retain on file a LEP policy for OCR audit purposes. As part of the application process for a Mississippi Medicaid Provider, applicants must be evaluated for compliance with civil rights laws. *(See Appendix 7)* The Bureau of Provider and Beneficiary Relations is responsible for ensuring that all providers are advised of this policy and guidelines for preparation. The LEP policy will be included in the provider manual.

Contractor LEP Policy

The Legal Office is responsible for ensuring that contractors prepare and retain on file a LEP policy for OCR audit purposes. All contracts will contain the LEP policy statement.

IV. Employee Training

The Bureau of Eligibility will train regional office area supervisors on the LEP Plan and Language Line Service at each regional office. Trainers will represent the Beneficiary Relations Division and Bureau of Eligibility. The Coalition for Citizens with Disabilities will be invited to assist DOM in training staff and sensitizing staff to the needs of sensory impaired persons. Each Bureau Director will train his/her staff on the LEP Plan. The Bureau of Provider and Beneficiary Relations will train Beneficiary Staff on the Language Line and LEP Policy. The Beneficiary Relations Division will receive training on conversational Spanish. The LEP Plan training will consist of:

1. Overview of policies pertaining to Title VI of the Civil Rights Act relative to LEP
2. A copy of LEP Policies
3. Language Line Instructions
4. Working with Sensory Impaired Persons
5. Discrimination Complaints and Complaint Procedure

The requirements and reasons for providing LEP service must be explained to all employees in training sessions/programs. DOM will collaborate with community agencies to ensure appropriate training is provided for visual and sensory impaired applicants. Each Bureau must amend its training program(s) to reflect appropriate training pertinent to LEP. All employees will be advised of the complaint procedure to be followed by beneficiaries and applicants. (*See Appendix 8*) Copies of the training materials must be made available for audit by OCR.

Requests for Information under the provision of the State Public Records Act or Federal Information Act pertinent to the LEP should be forwarded to the Office of Public Relations for processing.

V. Compliance with Limited English Proficiency

Bureau of Provider/ Beneficiary Relations

The Bureau of Provider and Beneficiary Relations will be responsible for monitoring and ensuring LEP compliance by providers. It is also responsible for handling beneficiary concerns.

Human Resources

The Bureau of Human Resources will handle compliance with the Limited English Proficiency policy with employees.

VI. Complaint and Grievance Procedure

Beneficiaries and applicants will be informed of the grievance and appeal procedure. The complaint procedure for filing a grievance against the DOM will be posted in all

Regional Offices and the State office. The Bureau of Provider and Beneficiary Relations will handle complaints from beneficiaries and applicants and report to the Executive Director. The Bureau of Human Resources will handle employee complaints and report to the Executive Director (*See Appendix 8 and 9*).

VII. Revisions

The Bureau of Provider and Beneficiary Relations will review the LEP policy annually and revise as necessary to assure compliance with Title VI of the Civil Rights Act. The provisions of this policy will remain in effect until a revised policy is published.

List of Appendices

Appendix 1.....	Table 1 & Table 2
Appendix 2.....	MDHS Report
Appendix 3.....	DOM Employee Survey
Appendix 4.....	MDE Survey
Appendix 5.....	Language Card
Appendix 6.....	Statistical Report Form
Appendix 7.....	LEP Provider Policy
Appendix 8.....	DOM Complaint Procedure and Forms/ Appeal Process
Appendix 9.....	Title VI Civil Rights Complaint/ Grievance Procedure