



# HURON BEHAVIORAL HEALTH OPERATIONAL POLICY

Policy #: RR.1.02

Issue Date: 06/27/02

Rev. Date: 10/02/23

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## Title: Limited English Proficiency (LEP) Accommodation Policy

Prepared By: Executive Director

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### Purpose:

To define the philosophies, principles, and practices of Huron Behavioral Health with regards to consumers who may require special assistance for Limited English Proficiency (LEP) due to literary or impairment reasons to assure that recipients have meaningful access and an equal opportunity to participate in the services, activities, programs, and other benefits.

### Scope:

This procedure applies to all employees (including full-time and part-time employees), contract providers (clinical and administrative), volunteers, students, and/or interns of Huron Behavioral Health (HBH) and all recipients served.

### Information:

1. The legal basis for LEP and accommodation are:
  - Michigan Department of Health and Human Services (MDHHS) (LEP Accessibility for beneficiaries)
  - Title VI of the Civil Rights Act of 1964
  - Rehabilitation Act of 1973
  - Americans with Disabilities Act
  - Executive Order 13166
2. The 2019 Huron County census report indicates that 97.0% of Huron County residents speak English and 3.0% speak a language other than English at home.
3. It is the policy of Huron Behavioral Health to ensure that all persons that request and/or are receiving services who need visual or mobility accommodations, and/or language assistance receive the necessary assistance and/or accommodation to afford them meaningful access to services at no cost to the consumer. This includes ensuring that all staff is competent to accommodate the individual's needs.
4. It is the intent of Huron Behavioral Health to set and implement access standards, conduct programs, and run business in a manner that recognizes and assists with visual, mobility, language, or other limitations of persons served. In addition, if individuals' limitations create a potential barrier for them in completing forms, obtaining necessary treatment and support, and arranging for accommodations when necessary, HBH will provide whatever assistance is needed. (See also "[Limited English Proficiency \(LEP\) Procedure](#)" (RR.2.46).

### Policy:

1. Any necessary accommodation, translation, interpretation and/or other assistance will be provided to the consumer at no cost. This includes the appropriate interpretation, translation, and/or communication services or technical equipment to meet the needs of the beneficiaries in HBH's service area which may encompass written materials, face-to-face, and/or telephone communications.
2. HBH will provide a range of accommodation and oral language assistance options, appropriate to each program's circumstances.
3. HBH will post notice(s) in the main reception areas to inform LEP persons of their right to free language assistance.
4. HBH staff training will be conducted upon employment (new employee orientation) and annually thereafter to assure that staff remains competent in LEP requirements (see also "[Training Requirements for HBH Employees and Contract Providers Procedure](#)" TR.2.03).

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5. HBH will take steps to ensure staff competence by assuring that staff:
  - a. is knowledgeable about a variety of assistive technology, services, and resources available to accommodate the needs of individuals with Limited English Proficiency, vision impairments, hearing impairments, mobility challenges, communication challenges, and/or other needs.
  - b. seeks to assist people who have Limited English Proficiency or are in need of accommodation in a respectful manner that is consistent with person-centered planning and self-determination principles.
  - c. has access to the translated materials, Braille documents, and/or other assistive technology available.
  - d. is knowledgeable regarding use of the "I Speak" kits.
  - e. is knowledgeable regarding procedures for accessing interpretation and translation services (non-English speaking and sign language). (See also "[Limited English Proficiency Procedure](#)" RR.2.46).
  - f. treats assistive devices as an extension of the body of the person with a disability and maintains appropriate physical boundaries.
  - g. is able to identify consumers who may have an unmet need for assistive technology and/or resources, and with their consent, link them to appropriate services and supports.
  - h. has a working knowledge of the scope of practice of the clinical disciplines qualified to assess accommodation needs and makes referrals for clinical evaluation to the appropriate discipline when desired by the consumer.
  - i. appropriately records primary language and accommodation needs in clinical demographic records and incorporates relevant information in the Individual Plan of Service (IPOS) regarding assistive devices, community resources, interpreters, and other support used or needed. When assistive technology is offered and/or provided to the consumer, the worker will note this in the consumer's case record in the Electronic Medical Record (EMR) system.
6. Written materials will be translated into languages other than English when requested or required by a consumer at no cost to the consumer.
7. In accordance with the Mid-State Health Network (MSHN) contract requirements, documents that are generated for consumer issuance/use (such as bulletins, forms, pamphlets, etc.) are to be developed at a 6.9 grade reading level and size 12 font whenever practicable. (Note – in some situations when it is necessary to include medications, diagnosis, etc., it may not be possible to achieve this reading level.). Reading level will be verified and tracked by the Controlled Documentation Manager (or designee) for new and revised consumer-issued documents.

## Definitions/Acronyms:

### Acronyms:

CMHAM – Community Mental Health Association of Michigan

EMR – Electronic Medical Record

HBH – Huron Behavioral Health

HHS – Health & Human Services

IPOS – Individual Plan of Service

LEP – Limited English Proficiency

MDHHS – Michigan Department of Health and Human Services

MSHN – Mid-State Health Network

ORR – Office of Recipient Rights

PCP – Person Centered Plan

PIHP – Pre-paid In-patient Health Plan

### Definitions:

Communication: Refers to the effective transmission of messages using the spoken language, braille, sign language, or other available technology, as necessary.

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Interpretation: Refers to the oral transmittal of a message from one language to another, considering dialect, culture, and nuance.

Limited English Proficiency (LEP): The inability to speak, read, write, and/or understand English at a level that permits effective interaction with health care providers. Providing assistance and/or accommodation for persons with LEP is the responsibility of providers of health and social services who receive Federal Financial Assistance from the U.S. Department of Health and Human Services.

Persons with Limited English Proficiency (LEP): Refers to a person who is unable to speak, read, write, or understand the English language at a level that permits them to interact effectively. LEP also applies to persons whose primary form of communication is something other than oral English language.

Safe Harbor:

>10% or >3000 persons: requires the highest level of response (e.g., bilingual clinicians)

> 5% or >1000 persons: requires a moderate level of response (e.g., pamphlets translated)

<100 persons: not clearly delineated by law, but requires some level of response (e.g., establish a system for how to accomplish and do as needed. It is recommended that a relationship is developed with a company that provides interpreter services.)

Translation: This refers to the written interpretation of a message from one language to another, conveying the original meaning of the text with linguistic precision.

Vital Documents: Pertains to documents that the consumer has to respond to (e.g., grievance, appeal, denial notices). These documents must be made available (not necessarily in hard copy format), explained to the consumer, and must include documentation that this occurred.

## Forms:

N/A

## Records:

- Records of Accommodations made for LEP assistance are retained in the consumer's case record.
- Records of LEP Training are maintained by the HBH Training Coordinator.

## Reference(s) and/or Legal Authority

- CMHAM presentation on "Limited English Proficiency – It's not about Speaking English" and "Accommodating Persons with Limited English Proficiency – Initial Training for All Staff" by Dale Howe (MDHHS) and Dave Schneider (NMCMDH).
- LEP Press Release, HHS News, US Department of Health and Human Services, Office for Civil Rights, 8/30/00
- Policy Guidance, Title VI Prohibition Against National Origin Discrimination As It Affects Persons with Limited English Proficiency
- Executive Order 13166, 8/11/00 <http://www.usdoj.gov/crt/cor/Pubs/eolep.htm>
- LEP: County Population Counts Across PIHP Affiliation for Recipients Probably Requiring Language Assistance (5-15-02)
- Civil Rights Act Title VI of 1964 @ <http://usinfo.state.gov/usa/infousa/laws/majorlaw/civilr19.htm>
- Rehabilitation Act of 1973 @ <http://www.eeoc.gov/policy/rehab.html>
- Americans with Disabilities Act @ <http://www.usdoj.gov/crt/ada/adahom1.htm>
- [RR.1.01 Limited English Proficiency \(LEP\) Policy](#)
- [RR.2.46 Limited English Proficiency \(LEP\) Procedure](#)
- [TR.2.03 Training Requirements for HBH Employees and Contract Providers Procedure](#)

## Change History:

Change Letter	Date of Change(s)	Changes
A	03/28/03	Brought into now format and new documentation system with no changes to content (clerical corrections only)
B	12/06/05	Revised formatting, corrected typos and grammar, added references & hyperlinks to RR.2.46 and government sites, added a new #1 in "Policy" section, added hyperlinks.
C	06/17/09	Under #5, added "by assuring" and deleted "(which includes, but may not be limited to)", added "and requirements" to #4, revised some minor wording for clarification without changing content.
D	06/13/13	Reviewed and revised to comply with 8 <sup>th</sup> edition standards - #2 in "Information" section replaced Dale Howe's 2002 information with 2012 census information, reworded several sentences and corrected grammatical errors without changing sentence content, removed "AAM" from "Acronym" section.
E	02/24/15	Reviewed and revised to comply with MSHN "Customer Service – Information Accessibility/Limited English Proficiency (LEP)" policy adopted 07/02/14 – added 1 <sup>st</sup> bullet in #1 "Information" section, in "Purpose" section added "due to literary...", added last sentence in "Policy" #1, removed "AAM" from "Acronym" section.

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F	02/17/17	Changed "Michigan Department of Community Health/MDCH" to "Michigan Department of Health and Human Services/MDHHS" (2 places), in "Information" section #2 changed "96.5%" to "97.1%" and changed "3.5%" to "2.9%", made several small wording/grammatical changes/corrections throughout document without changing sentence content.
G	07/25/18	Changed "Michigan Association of Community Mental Health Boards (MACMHB)" to "Community Mental Health Association of Michigan (CMHAM)" (2 places)
H	05/29/19	In "Policy" section 5.i changed "Person Centered Plan (PCP)" to "Individual Plan of Service (IPOS)" in Acronym section added "IPOS".
I	02/12/21	In "Information" section # 2 changed "2014" to "2019" and changed percentages from "97.1%" to "97.0%" and "2.9%" to "3.0%", added reference to TR.2.03("Training Requirements for HBH Employees and Contract Providers Procedure") (2 places), made several minor wording/grammatical changes/corrections throughout policy without changing sentence content.
J	12/19/22	In "Policy" section 5.i removed reference to Special Needs Log. In "Forms" section removed 90-129.
K	10/02/23	In "Policy" section added #7, in "Acronyms" section added "EMR" & "MSHN".