

# Language Access: Requirements, Approaches and Resources

National Network of Libraries of Medicine

Regional Medical Libraries

Wendy Jones

National Center for Cultural Competence



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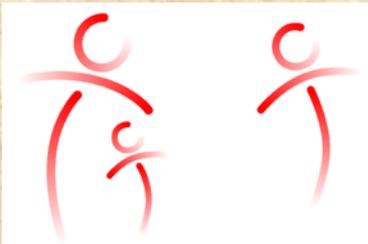
May 20, 2004



# Think about this.....

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## Who might require language access services?



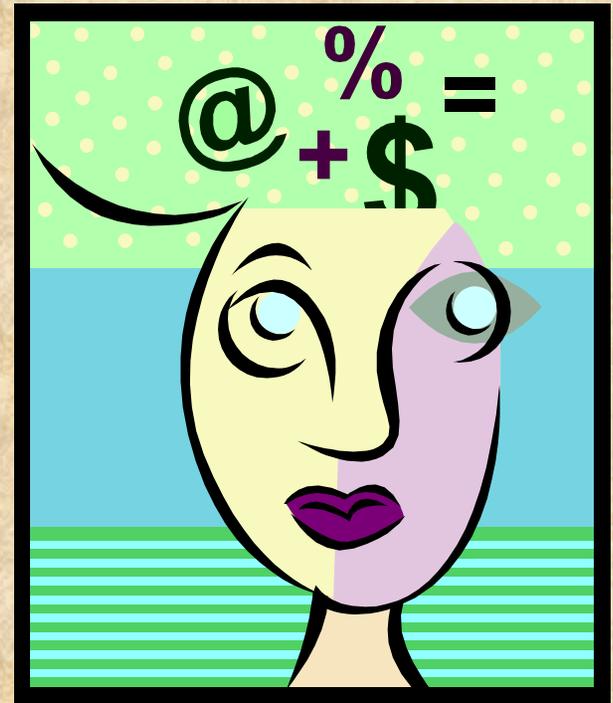
Slide Source: National Center for Cultural Competence, 2004

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# English Language Learners

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Individuals who are learning to speak and understand the English language, but are not fluent.



# Second Language Proficiency

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Acquiring proficiency in a second language takes time and occurs on a continuum ranging from “**B**asic **I**nterpersonal **C**ommunication **S**kills (**BICS**) to **C**ognitive **A**cademic **L**anguage **P**roficiency (**CALP**)”.

DATA SOURCE: Cummins, J. (1981) The role of primary language development in promoting success for language minority students. In California State Department of Education (ed.), Schooling and language minority students: A theoretical framework.

# What are BICS and CALP?

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## BICS:

- # are the **b**asic **i**nterpersonal **c**ommunication **s**kills needed to engage in general conversation in a second language
- # occurs with the support of contextual or interpersonal cues such as gestures, facial expressions, and intonation present in face-to-face interactions.

DATA SOURCE: J. Cummins BICS and CALP- J. Cummins Bilingual Education Web <http://www.iteachilearn.com/cummins/bicscalp.html>

Slide Source: National Center for Cultural Competence, 2004

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# What are BICS and CALP?

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**CALP** is cognitive academic language proficiency skills needed to think and perform higher operations such as acquiring, processing, analyzing, and synthesizing information in a second language.

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Bilingual Education Web <http://www.iteachilearn.com/cummins/bicscalp.html>

Slide Source: National Center for Cultural Competence, 2004

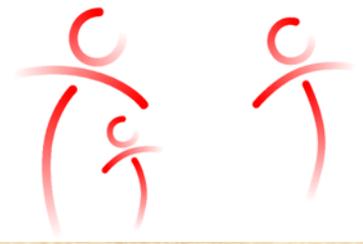
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# Limited English Proficient (LEP)

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Refers to individuals who “cannot speak, read, write or understand the English language at a level that permits them to interact effectively with health care providers and social service agencies.”

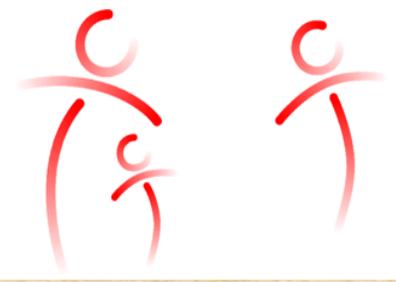


# Linguistic Competence

- the capacity of an organization and its personnel to communicate effectively, and convey information in a manner that is easily understood by diverse audiences including persons of limited English proficiency, those who are not literate or have low literacy skills, and individuals with disabilities
- policy, structures, practices, procedures and dedicated resources to support this capacity



Goode & Jones, Revised 2003, National Center for Cultural Competence



# Linguistic Competence

- bilingual, bicultural, multilingual & multicultural staff
- cultural brokers
- Multilingual telecommunication systems
- TTY
- foreign language interpretation services
- sign language interpretation services
- ethnic media in languages other than English
- print materials in easy to read and low literacy formats (e.g. picture and symbol formats)
- materials in alternative formats (e.g. audiotape, Braille, enlarged print)

Goode & Jones, Revised 2003, National Center for Cultural Competence

Slide Source: The National Center for Cultural Competence, 2004

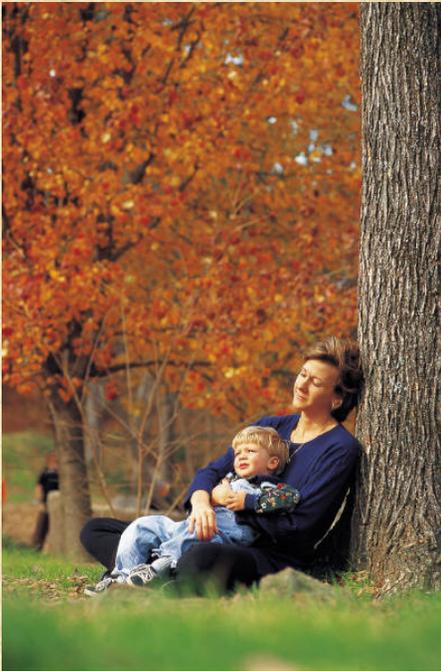


# Linguistic Competence

- varied approaches to share information with individuals who experience cognitive disabilities
- translation of:
  - legally binding documents (e.g. consent forms, confidentiality and patient rights statements, release of information, applications)
  - signage
  - health education materials
  - public awareness materials & campaigns

# Linguistic Isolation

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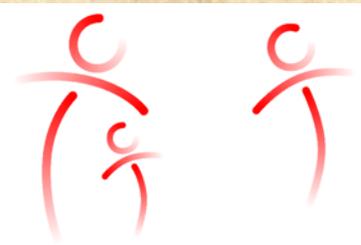


- # According to the U.S. Census Bureau, linguistic isolation refers to households in which no person over the age of 14 speaks English at least very well.
- # Nationally, there are 11,893,572 families that are linguistically isolated.

# Linguistic Isolation

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Linguistic isolation can be invisible and also includes families with low literacy, or who are not literate, as well as individuals with disabilities.



# Title VI of the Civil Rights Act of 1964

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## TITLE VI--NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS- SEC. 601.

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

<http://usinfo.state.gov/usa/infousa/laws/majorlaw/civilr19.htm>

Slide Source: National Center for Cultural Competence, 2004

# Federal Language Legislation

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The Civil Rights Act of 1964 requires recipients of Federal financial assistance to:  
take **reasonable steps** to ensure meaningful access to programs, services, and activities for persons with limited English proficiency.

Slide Source: National Center for Cultural Competence, 2004

# Federal Language Legislation

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## Executive Order 13166

was issued to improve access for LEP persons to federally funded and federally conducted services.

(1) requires federal agencies that provide services directly to the public to ensure that their own services provide meaningful access for LEP persons

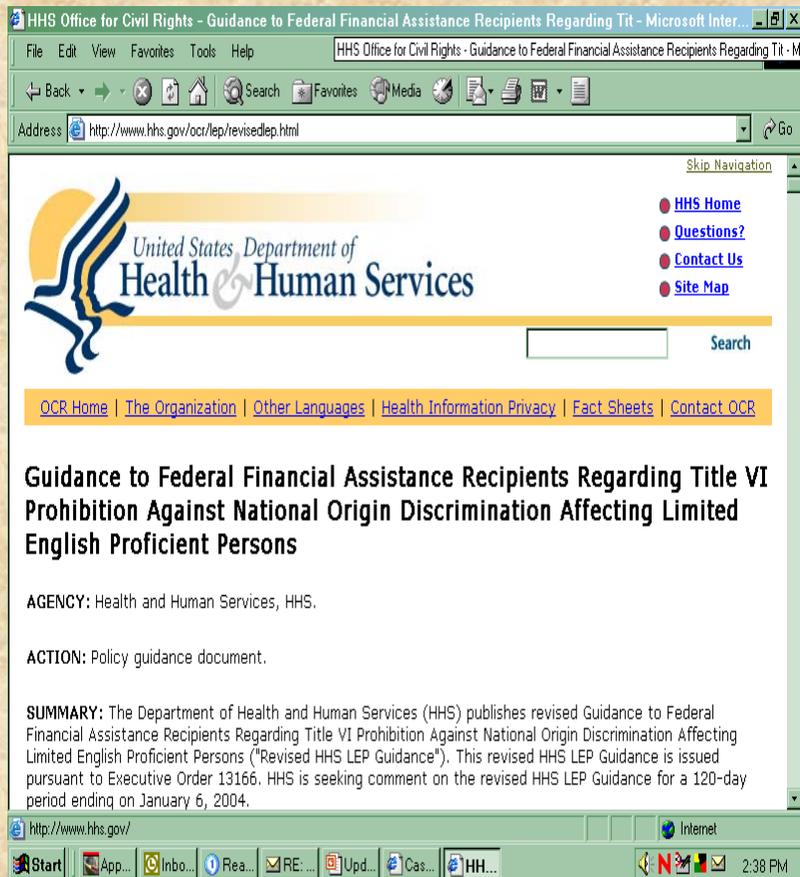
(2) requires federal agencies that provide federal financial assistance to recipients to issue guidance to their recipients on how to comply with Title VI's obligation to ensure meaningful access.

DATA SOURCE: Executive Order 13166:Improving Access to Services for Persons with Limited English Proficiency, August 11, 2000

Slide Source: National Center for Cultural Competence, 2004

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# HHS Guidance and Requirements



✚ <http://www.hhs.gov/ocr/lep/visedlep.html>

✚ <http://www.Lep.gov>

# Four Factors of the Title VI Guidance

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1. the number of LEP persons that are eligible to be served or likely to be affected in the recipient's service area
2. the frequency with which the recipient encounters LEP persons
3. the importance of the program activity or service
4. resources available to the recipients

DATA SOURCE: U.S. Department of Health & Human Services, Office of Civil Rights  
Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition  
Against National Origin Discrimination Affecting Limited English Proficient Persons

# The Unique Role of the Department of Justice

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- # The DOJ is the coordinating agency for civil rights enforcement
  - federal agencies were directed to ensure that their agency-specific guidance issued in accordance with the executive order are consistent with the Department of Justice's
  - guidance coming from each Federal agency is consistent with each other, so as not to confuse recipients of their obligations.

# Guidance on Providing Interpreters

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- Hire qualified interpreters
- Contract with outside agencies that provide translation and interpretation services
- Use language lines for low incidence languages
  - Use trained, bilingual staff
  - Train community volunteers
  - Partner with language banks or consortiums

Family members and children should not be used as interpreters.

DATA SOURCE: U.S. Department of Health & Human Services, Office of Civil Rights  
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# Guidance on Translation



In terms of written translation, the guidance suggests ways to ensure competency by:

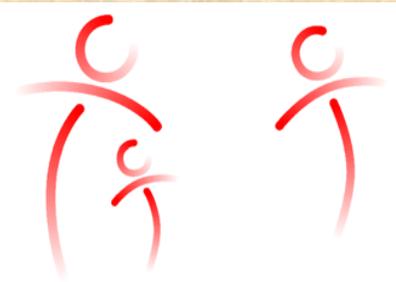
1. using certified translators,
2. using independent translators to check translation,
3. making sure the translator understands the reading level of the audience, and
4. consulting with community organizations to review translations for the level of appropriateness.

DATA SOURCE: U.S. Department of Health & Human Services, Office of Civil Rights  
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# Think about this.....

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Are you aware of policies, practices, or structures that support language access services?



# Developing Language Access Plans

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In addition, the guidance notes that effective plans include clear and identifiable goals, leadership and management accountability, and consideration of community input.

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# Developing Language Access Plans

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## Steps

1. identify LEP individuals who need the assistance,
2. adopt language assistance measures and
3. ensure that staff know how to access language assistance measures at different points of contact,

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Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition  
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# Developing Language Access Plans

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## Steps

4. provide notice to LEP persons of the availability of these services, and
5. continually monitor and update the plan.

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# Enforcement of Title VI

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- # Respond to complaints of discrimination
- # Periodic compliance review of hospitals and hospital associations
- # Provide technical assistance

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# CLAS Standards

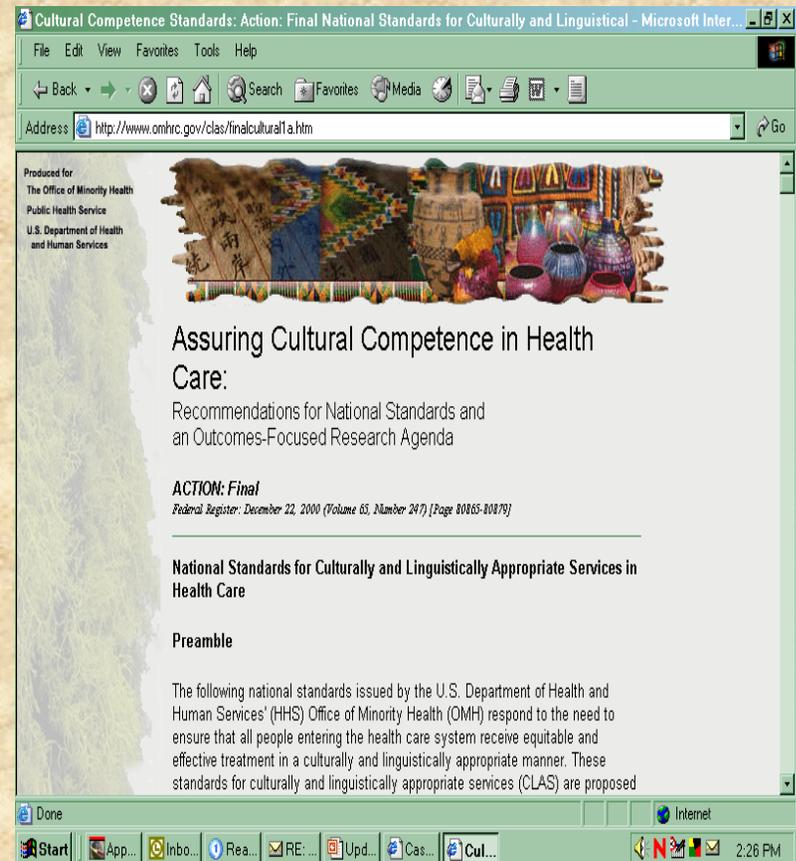
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- # **CLAS** or **C**ulturally and **L**inguistically **A**ppropriate **S**tandards:
- # were developed in 2000 by the HHS Office of Minority Health
- # as recommended standards for healthcare organizations to ensure for the provision of culturally and linguistically appropriate services.

DATA SOURCE: U.S. Department of Health & Human Services, Office of Minority Health  
Assuring Cultural Competence in Health Care: Recommendations for National Standards  
and Outcomes-Focused Research Agenda, December 2000

# CLAS Standards

- Four of 14 standards address language access
- The CLAS Standards are available at:  
<http://www.omhrc.gov/clas/finalcultural1a.htm>



# CLAS Standards

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- # **Standard #4:** Health care organizations must offer and provide language assistance services, including bilingual staff and interpreter services, at no cost to each patient/consumer with limited English proficiency at all points of contact, in a timely manner during all hours of operation.
  
- # **Standard #5:** Health care organizations must provide to patients/consumers in their preferred language both verbal offers and written notices informing them of their right to receive language assistance services.

DATA SOURCE: U.S. Department of Health & Human Services, Office of Minority Health  
Assuring Cultural Competence in Health Care: Recommendations for National Standards  
and Outcomes-Focused Research Agenda, December 2000

# CLAS Standards

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- # **Standard #6:** Health care organizations must assure the competence of language assistance provided to limited English proficient patients/consumers by interpreters and bilingual staff. Family and friends should not be used to provide interpretation services (except on request by the patient/ consumer).
  
- # **Standard #7:** Health care organizations must make available easily understood patient-related materials and post signage in the languages of the commonly encountered groups and/or groups represented in the service area.

DATA SOURCE:U.S. Department of Health & Human Services, Office of Minority Health  
Assuring Cultural Competence in Health Care: Recommendations for National Standards  
and Outcomes-Focused Research Agenda, December 2000

# Think about this.....

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How does NNLM and RML provide language access to those who might require this level of assistance?



# It is important to be aware that:

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1. There are legal requirements regarding an institutions' responsibilities in providing language access services
2. There are guidelines available to assist organization in implementing these requirements
3. Those who provide services to the public should use qualified, proficient translators and interpreters



# It is important to be aware that:

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4. Language fluency and interpreting are on a range of abilities.
5. Translators needs to understand the languages as well as the concepts and content to be effective.
6. Very different skills are required of professionals who provide translation, simultaneous and/or consecutive interpretation.

DATA SOURCE: Yolanda Partida, (4/04) National Program Director, *Hablamos Juntos Project*- NCCC Topical Conference Call 3- *Ask the Expert: Implementing Title VI Mandates to Ensure Linguistic Access for Children & Youth with Special Health Care Needs and Their Families* Transcript excerpt.

Slide Source: National Center for Cultural Competence, 2004

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