Office of the Commissioner

Language Access Policy

Policy #: DHHS-01-03

Issue Date: 05/28/03
Revised Date 07/28/15

I. SUBJECT

Language Access Policy

II. POLICY STATEMENT

The Department's policy is to provide meaningful access to all the Department's programs, benefits or services to all eligible persons regardless of their ability to speak, write and/or understand English.

The Department will make interpreter services available at no cost to all individuals who are applying for, receiving or participating in any programs, benefits or services provided by the Department.

The Department will mitigate any delay in service delivery due to the need for interpreting services.

The Department will have procedures combining the use of in-person and telephone interpreter services as well as translated material necessary for effective communication with all individuals who are applying for, receiving or participating in any programs, benefits or services provided by the Department.

The Department will educate staff regarding resources and procedures for effective communication with persons with limited English proficiency (LEP) who are applying for, receiving or participating in any programs, benefits or services provided by the Department.

The Department will, to the extent reasonably possible, endeavor to employ bilingual/multilingual staff who are able to communicate directly in languages most commonly used by individuals in this State.

III. PURPOSE AND LEGAL AUTHORITY

The primary purpose of this policy is to ensure meaningful access by persons with LEP to the Department's programs, benefits or services in accordance with Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d and Executive Order 13166 (EO 13166), Improving Access to Services For Persons With Limited English Proficiency, issued August 11, 2000. Additionally, this policy shall be applied to ensure meaningful access by individuals with disabilities to the Department's programs, benefits or services in accordance with the Americans with Disabilities Act of 1990 (42 USC §§12101 et seq.); the

Rehabilitation Act of 1973 (42 USC §§701 et seq.); Federal non-discrimination rules (28 CFR Parts 35 and 42); and Maine statutes regarding services to persons who are deaf or hard of hearing (34B MRSA è1218) and ASL interpretation (32 MRSA è1521(5)).

IV. PROCEDURE STATEMENT

The Department will implement this policy utilizing the ten elements below (which are intended to be consistent with the structure and guidance in the 2013 U.S. Department of Health and Human Services Language Access Plan).

ELEMENT 1: Assessment: Needs and Capacity
Each Department Office will regularly identify the language assistance needs of all individuals who are applying for, receiving or participating in any of its programs, benefits or services; and will regularly assess the resources available to meet these needs. Every Office will regularly collect language data regarding all individuals who are applying for, receiving or participating in any of its programs, benefits or services and clearly note in the appropriate file(s) within its applicable system(s) of record the primary language spoken by each individual.

ELEMENT 2: Oral Language Assistance Services
Each Department Office will ensure that oral language assistance that address the needs identified in Element 1 is made available through approved qualified interpreters (see Division of Purchases approved vendors) for both face-to-face and telephone encounters with individuals with LEP.

ELEMENT 3: Written Translations
Each Department Office will identify, translate and make available in various formats, including print and electronic media, vital documents in languages other than English in accordance with the assessments of need identified in Element 1.

ELEMENT 4: Policies and Procedures
As necessary, each of the Department's Office shall develop, implement and regularly update written procedures to address language access needs specific to their program's activities and their constituents' needs.

ELEMENT 5: Notification of the Availability of Language Assistance at No Cost
Each of the Department's Offices will <u>proactively</u> inform individuals with LEP that language assistance is available at <u>no cost</u>.

ELEMENT 6: Staff Training
The Department will provide regular employee training as necessary to ensure management and staff understand and can implement the policies and procedures delineated in this policy and its elements.

ELEMENT 7: Assessment: Access and Quality
The Department will regularly assess the accessibility and quality of language assistance activities for individuals with limited English proficiency, maintain an accurate record of language assistance services, and implement or improve LEP outreach programs and activities in accordance with customer need and agency capacity.

ELEMENT 8: Stakeholder Consultation
The Department will regularly solicit stakeholder feedback to identify language assistance needs of individuals with LEP, implement appropriate language access strategies to ensure individuals with LEP have meaningful access in accordance with assessments of customer need and agency capacity, and evaluate progress on an ongoing basis.

ELEMENT 9: Digital Information
The Department will develop and implement specific written policies and procedures to ensure that, in accordance with assessments of LEP needs and agency capacity, digital information is accessible by communities in need of language services.

ELEMENT 10: Assurance of Compliance by Sub-recipients
The Department will ensure that sub-recipients of Federal financial assistance (such as contracted vendors) understand and comply with this policy.

V. DISTRIBUTION

All Department employees via e-mail and posting on the DHHS intranet.

July 28, 2015
Date

Mary C. Mayhew
Commissioner