

LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

State Agency: New York State Office for the Aging

Effective Date of Plan: 5/30/2019

Language Access Coordinator (LAC): Colleen Scott, Advocacy Specialist

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PART 1 – INTRODUCTION

Pursuant to Executive Order No. 26 (“Statewide Language Access Policy”), we have prepared this Language Access Plan (“Plan”) that sets forth the actions we will take to ensure that limited English proficient (“LEP”) individuals have meaningful access to agency services, programs, and activities.

Statement of Agency Services to the Public:

The Older Americans Act (OAA) requires the federal Administration on Aging (AoA) to allocate OAA funds to State Units on Aging (SUA) primarily based on the number of people 60 and older in the state/territory with adjustments. These funds serve as the nucleus of the aging network in each state by developing supportive and community-based services. SUA receive funds for elder rights, nutrition, long term care ombudsman services, legal services, outreach, abuse prevention efforts and caregiver support services, and a variety of supportive services to enable older adults and individuals of all ages with disabilities to remain independent.

The New York State Office for the Aging (NYSOFA) is part of the Executive Department in New York State and is the designated State Unit on Aging (SUA) under the federal Older Americans Act (OAA) of 1965, as amended. As the SUA, NYSOFA is responsible for developing and administering a multi-year statewide Plan for Aging services and serves as the primary advocate for older adult residents in New York State.

The mission of NYSOFA is to help older New Yorkers to be as independent as possible for as long as possible through advocacy, development and delivery of person-centered, consumer-oriented, and cost-effective policies; as well as programs and services which support and empower the older adult and their families, in partnership with the network of public and private organizations which serve them.

As required under the OAA, NYSOFA divides the State into planning and service areas (PSA) and designates an Area Agency on Aging (AAA) within each area. Each AAA is required to complete and submit a Four-Year Plan with an Annual Update provided to the State Unit, which describes how OAA funds will be allocated for specific programs targeted to the older population. Upon approval

of an Area Plan, NYSOFA approves distribution of OAA funds based on an approved federal funding formula. NYSOFA monitors the implementation of the AAA Plans, conducts fiscal reviews and provides technical assistance and training to the AAAs to ensure compliance with the requirements as well as the goals and objectives outlined to serve the needs of older adults at the local level.

The majority of direct programs and services for older adults in NYS are administered and provided through the local Area Agencies on Aging (AAAs), described above, which receive federal and state funds through NYSOFA. In these programs, preference is given to older adults with the greatest economic or social need. There are 59 local AAAs which serve each county, the City of New York as well as the St. Regis Mohawk Indian Reservation, and the Seneca Nation of Indians, which includes the Cattaraugus and Allegany Reservations. These are the only Indian Reservations with offices for the aging east of the Mississippi. Most AAAs are part of local governmental entities; however, in a few cases, the designation of an AAA is held by a local nonprofit.

NYSOFA's primary role is to administer funding for various Titles under the Federal Older Americans Act of 1965 as amended, and for a variety of state-funded programs which serve the older adult. In addition, NYSOFA performs other key policy and administrative functions which include:

- Advises and assists the Governor to develop policies to help meet the needs of older New Yorkers and to encourage their full participation in society;
- Coordinates State programs and services for older adults;
- Stimulates community interest in problems faced by older adults;
- Promotes public awareness of resources available for older adults and their caregivers;
- Ensures the development of local programs; and
- Fosters and supports studies, research and education on the older adult population.

NYSOFA has responsibilities in providing limited direct service to the public and/or materials used in the statewide Aging Network of locally directed service providers, as described below:

- NY Connects: New York Connects is NYS's Aging and Disability Resource Center/ No Wrong Door for long term services and supports. NY Connects provides comprehensive information and assistance to individuals of any age in need of long term services and support including having the help of informal caregivers and helping professionals.

NY Connects also provides Options Counseling/Person Centered Counseling for those needing more support as they weigh options. It is available to assist individuals and families seeking private pay, Medicaid and other publicly funded services. Individuals with long term service and support needs can contact NYSOFA through a toll-free telephone number. There is an automated menu of choices which will connect the caller directly to the county in which they seek assistance, but people can opt to speak to a person at NYSOFA. The messages have been translated into the required six languages. If an individual with limited English proficiency calls, and is unsuccessful with navigating the automated system, the person is connected to NYSOFA staff who connects them to an interpreter through an approved state vendor.

- **The Long Term Care Ombudsman Program (LTCOP):** It is a federal advocacy program dedicated to protecting the rights of individuals living in long-term care facilities. The Office of the State Long Term Care Ombudsman is an independent office administratively housed at NYSOFA. The State Ombudsman supervises Substate Ombudsman Coordinators who serve all communities throughout the State. Substate Ombudsman programs are regional and are sponsored either by AAAs or other qualified organizations. The heart of the Long Term Care Ombudsman Program is the corps of specially trained and certified citizen-volunteer ombudsmen. Many volunteers are retired professionals from various fields. Ombudsmen spend an average of two to four hours a week in each assigned facility, advocating for the residents. NYSOFA LTCOP staff has frequent contact with the public.
- **The Health Insurance Information, Counseling and Assistance Program (HIICAP)** receives federal funds to operate a statewide network of local programs which educate the public about Medicare, Medicaid, managed care, EPIC, and other health insurance options and issues; assist Medicare beneficiaries of all ages to review plan options and to apply for programs such as the Medicare Savings Programs. Additionally, there is an automated HIICAP Helpline which directs callers to local assistance in answering health insurance related questions. Consumers occasionally contact NYSOFA’s HIICAP staff for assistance.

In developing this plan, we have understood LEP individuals to be persons who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. We will reassess language needs periodically as needed, but at least every two years starting from the effective date of this plan.

PART 2 – ASSESSING LEP POPULATION LANGUAGE NEEDS

The estimated total number of individuals in our service area is: Approximately 19,798,228, the New York State population in 2017.

The top six languages spoken by LEP individuals that our agency serves or could potentially serve are as follows:

Language	Estimated Number of LEP Individuals Who Speak this Language
Spanish	1,249,541
Chinese	386,290
Russian	122,150
Haitian Creole	63,615
Bengali	62,219

Korean	60,405
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Source: U.S. Census Bureau, 2013-2017 American Community Survey.

We use the following resources to determine the top six languages spoken by LEP individuals:

- U.S. Census data (including American Community Survey)
- Agency data on client contacts
- School system data
- Information from community organizations that serve LEP individuals

Names of organizations: Click here to enter text.

- Information from other government agencies

Names of agencies: Click here to enter text.

- Other

We have determined the frequency of our contacts with LEP individuals as follows:

A logical field for the question, “does the client have Limited English Proficiency” was added to the agency’s reporting system. This data is collected for all clients receiving a registered service including: Personal Care Level 1, Personal Care Level 2, Case Management, Consumer Directed In-Home, Home Health Aide, Adult Day Care Services, Home Delivered Meals, Congregate Meals, Assisted Transport and Nutrition Counseling. Information on specific languages is currently held at the local AAA level. NYSOFA has interpreting services available on the NY Connects toll free line as described in detail in Part 3 as well as contracted interpreting services for LTCOP, HIICAP, and NY Connects. The services offered include thorough records on frequency of use, languages spoken, and costs associated with service.

PART 3 – PUBLIC OUTREACH AND NOTICE OF AVAILABILITY OF LANGUAGE ASSISTANCE SERVICES

We inform LEP individuals, in the languages indicated in the chart in Part 2 of this plan, about their right to free language assistance services by using the following measures:

- LEP individuals are informed directly by our staff

In what ways? All NYSOFA staff are trained and have access to the agency's contracted vendor. Any staff person in the field can utilize the telephonic interpretation service to assist a member of the public with a concern related to aging services. Additionally, all NYSOFA direct programs have information on accessing services for LEP individuals included in their literature, brochures, websites, etc. Both the HIICAP and NY Connects toll free telephone lines are staffed at NYSOFA by front line staff who access interpreters as needed for individuals with limited English Proficiency.

Brochures or flyers about language assistance services

In public areas of the agency

Elsewhere in the agency's service areas

Signs posted about language assistance services

In public areas of the agency

Elsewhere in the agency's service areas

Outreach and presentations at schools, faith-based groups, and other community

What are the LEP populations targeted? Click here to enter text.

Local, non-English language media directed at LEP individuals in their languages

Telephonic voice menu providing information in non-English languages

In which languages: Click here to enter text.

Other (describe) NYSOFA's toll-free NY Connects number appears in many federal, state, and local publication materials with a brief narrative about information and assistance, person centered counseling and application assistance services. Materials and information offered, advertise the toll-free NY Connects telephone line, which includes a notice of the availability of free interpreting services. The free language assistance notification has been added to NYSOFA's website.

PART 4 – PROVISION OF LANGUAGE ASSISTANCE SERVICES

We use the following resources to determine when an individual is LEP, and what the individual's primary language is, when the encounter is *in person*:

The occurrence of in-person encounters at NYSOFA is less than 1 per quarter. In the event that an LEP consumer requires in-person assistance, NYSOFA's administrative staff have been trained to

offer free interpreting services by using the "I Speak" poster/card and accessing contracted interpreters to assist the consumer.

- "I Speak" posters or visual aids
- Reception staff makes those determinations based on experience, with the assistance of bilingual staff members where available
- Other

We use the following resources to determine when an individual is LEP, and what the individual's primary language is, when the encounter is *by telephone*:

When the encounter is by telephone through the 1-800 toll-free NY Connects or other telephonic resources for assistance, the staff have been trained to assess the language needs of the caller and connect the caller to an interpreter. If they cannot identify the specific language needed, staff will connect to the vendor for assistance and use their professionally trained interpreters to complete the call per usual agency protocol.

- Reception staff makes those determinations based on experience, with the assistance of bilingual staff members where available
- Telephonic interpreting service
- Other

We record and maintain documentation of each LEP individual's language assistance needs as follows:

The NYS Office of General Services (OGS) approved vendor provides NYSOFA with an ongoing summary of frequency of use, type of interpreting service provided and costs by program areas. Internal call logging systems at NYSOFA also maintain this information should cross referencing be necessary.

A. Oral Interpreting Services

Our protocol(s) for assessing whether an LEP individual needs oral interpreting services is as follows:

For in-person encounters: The occurrence of in-person encounters is less than 1 per quarter. In the event that a consumer does not appear to understand information provided or appears unable to communicate their needs clearly enough for staff to provide service, administrative staff

have been trained to offer and provide free interpreting services using their “I Speak” poster/card and access to contracted interpreters to assist the consumer.

By telephone: When the encounter is by telephone through the toll-free NY Connects or other telephonic resources for assistance, staff have been trained to assess the needs of the caller and connect the caller to an interpreter. In the event that a consumer does not appear to understand information provided or appears unable to communicate their needs clearly, staff will contact the vendor for assistance and use the professionally trained interpreter to complete the call per usual agency protocol.

At initial contact in the field: The occurrence of in-person encounters in the field by NYSOFA staff is rare. In the event that a consumer contacted in the field does not appear to understand information provided or appears unable to communicate their needs clearly enough for staff to respond, the NYSOFA staff person will contact, as appropriate, the local AAA for interpreting assistance or the vendor for telephonic interpretation.

For pre-planned appointments with LEP individuals: The occurrence of in-person encounters is less than 1 per quarter. In the event that a consumer does not appear to understand information provided or appears unable to communicate their needs clearly, NYSOFA staff will access contracted telephonic interpretation.

Other (describe):

Our protocol(s) for informing LEP individuals that they do not need to provide their own interpreters and that free interpreting services will be provided is as follows:

For in-person encounters: The occurrence of in-person encounters is less than 1 per quarter. In the event that a consumer seeking assistance does not appear to understand information provided or appears unable to communicate their needs clearly, the administrative support staff will be contacted to assist. Administrative support staff have been trained and have resources including an “I Speak” poster/card (which includes notice of free language assistance) and access to contracted interpreters to assist the consumer.

By telephone: NY Connects or other programmatic representatives will directly inform LEP callers or use the contracted interpreter to advise callers that free language assistance is available.

At initial contact in the field: The occurrence of in-person encounters in the field by NYSOFA’s staff is rare. In the event that a consumer contacted in the field does not appear to understand information provided or appears unable to communicate their needs clearly, the NYSOFA staff person will contact, as appropriate, the local AAA, the appropriate NYSOFA program, or contracted interpreting services. Staff is trained to advise the consumer that they do not need to provide their own interpreters and that free interpreting services will be provided

For pre-planned appointments with LEP individuals: The occurrence of in-person encounters is less than 1 per quarter. NYSOFA staff has been instructed to, at the time the appointment is scheduled, inform the consumer free telephonic interpretation services will be provided. In the event that a consumer does not appear to understand information provided or

appears unable to communicate their needs clearly, the contracted interpreting services will be accessed, and telephonic interpretation will be provided.

Other (describe):

If an LEP individual insists on using a family member, friend, or other person as an interpreter, our protocol(s) for determining whether to accept or decline such an arrangement is as follows:

LEP individuals that come into contact with our agency will be informed of the availability of free interpreting services. Generally, an LEP individual may not use a family member, friend, or a minor as an interpreter. However, **during non-medical emergencies** an LEP individual may be permitted to use a minor, a family member or friend as an interpreter. Planning and implementation will occur to minimize this from happening. Upon request, an LEP individual may also be permitted to use a minor, a family member or friend as an interpreter for routine matters, such as asking the location of the office, hours of operation or rescheduling an appointment. Where the interaction with the LEP individual occurs at the agency's office and an individual is permitted to use an interpreter of his or her choosing, he or she must fill out a written consent/waiver form.

Where an LEP individual is engaged in official business with the agency, the agency will provide an independent interpreter at all times. An LEP individual will not be permitted to use an independent interpreter of his or her choosing when filling out applications or when involved in other legal matters.

Our protocol(s) for obtaining interpreter services in a timely manner is as follows:

NYSOFA's account with the OGS approved vendor enables callers to NY Connects, HIICAP and LTCOP lines to have access to interpreters in a timely manner.

We record and maintain documentation of oral interpreting services provided to LEP individuals at each encounter as follows:

The OGS approved vendor provides thorough records on frequency of use, languages spoken, and costs associated with service. Data recorded by frontline staff is maintained and reconciled with vendor's records as necessary.

Competency and confidentiality

The linguistic and cultural competence of interpreters is addressed as follows:

Where NYSOFA utilizes independent interpreting services, that vendor will implement quality assurance standards to guarantee that its interpreters are trained and are linguistically and culturally competent.

The issue of confidentiality pertaining to the use of interpreters is addressed as follows:

Independent interpreters will enforce standards of confidentiality in accordance with NYS Law. All OGS approved vendors' interpreters sign a confidentiality agreement and are bound by a strict code of ethics ensuring that all information pertaining to services rendered remains strictly confidential. Our vendor's policies require interpreters to destroy any notes made during sessions as well.

Maintaining a list of oral interpreting resources

We use, or have available for oral interpreting, the following resources:

- Bilingual staff members who work directly with LEP individuals

Number of staff and languages spoken: Click here to enter text.

- Bilingual staff members who provide oral interpreting when necessary

Number of staff and languages spoken: 1 Spanish

- Telephonic interpreting service

Names of vendors: Potentially any other vendor under the NYS OGS Statewide Administrative Services Contract.

- Contracts or other arrangements with community organizations or individuals for oral interpreting services

Names of individuals/organizations and languages: Click here to enter text.

- Other Click here to enter text.

The agency's Language Access Coordinator maintains the list of oral interpreting resources that are available to staff, which includes:

- Names and contact information for all resources
- Names and locations of staff members who are available to act as interpreters or provide services directly in the LEP individual's primary language
- Languages in which each interpreter or service is qualified
- Procedure for accessing each interpreter or service

We inform all staff members who have contact with the public how to obtain oral interpreting services as follows:

All NYSOFA's program areas that have public contact utilize the agency's contracted vendor. All necessary information and training are provided to obtain and properly utilize oral interpreting services on an ongoing and as needed basis.

B. Translations of Written Documents

The process to determine and reassess, at least every two years starting from the effective date of this plan, those vital documents (including website content) which must be translated is as follows:

NYSOFA's Language Access Coordinator has regular communication with the Executive Management Team to identify any new or existing vital documents to be translated pursuant to the Executive Order. Additionally, a Vital Documents Review Committee has been convened to determine if any new programmatic initiatives may produce a vital document which would require translation.

The process to timely translate documents that LEP individuals submit in their primary languages is as follows:

NYSOFA utilizes translation services from an OGS approved vendor. The same process is used for any hand-written correspondences that are sent to us with request for assistance. In all cases, if a phone number is provided as requested, then telephonic interpreting services would be used to call the person and address their needs by phone in a prompt fashion.

The process for ensuring that documents are written in plain language before they are translated into other languages is as follows:

NYSOFA's Public Information Unit is used to develop and edit materials produced by the agency for public use. As a standard, written materials produced by the agency are written to a grade school to middle school level.

The following table contains a non-exhaustive list of translated documents by the agency in the languages indicated:

NYSOFA's Language Access Coordinator has regular communication with the Executive Management Team to identify any new or existing vital documents to be translated pursuant to the Executive Order. Additionally, new programmatic initiatives will include a review by the Language Access Coordinator to determine what new vital documents being created require translation. The Language Access Coordinator will then work with the agency's management to complete the recommended translations.

Form #	Name	Top Six Languages						Additional Languages
		Spanish	Chinese	Russian	Haitian Creole	Korean	Bengali	
	New York State's Senior Citizen Resource Guide*	✓	✓	✓	✓	✓	✓	Italian
	LTCOP Brochure:	✓	✓	✓	✓	✓	✓	Italian
	LTCOP Authorization and Waiver of Confidentiality	✓	✓	✓	✓	✓	✓	Italian
	LTCOP Adult Home Residents Rights Poster	✓	✓	✓	✓	✓	✓	Italian
	NY Connects Brochure	✓	✓	✓	✓	✓	✓	Italian
	Informed Consent - Aging Services	✓	✓	✓	✓	✓	✓	
	Informed Consent -NY Connects	✓	✓	✓	✓	✓	✓	
	Informed Consent- NY Connects Follow up	✓	✓	✓	✓	✓	✓	
	Informed Consent – Aging Services-Follow up	✓	✓	✓	✓	✓	✓	
	EISEP Client Hearing	✓	✓	✓	✓	✓	✓	

	EISEP- Client Rights	✓	✓	✓	✓	✓	✓	
	EISEP- Client Agreement	✓	✓	✓	✓	✓	✓	
	HIICAP Brochure	✓	✓	✓	✓	✓	✓	Arabic, Burmese, Italian, Nepali, Ukrainian and Uzbek

* **Please note:** This document is available on NYSOFA’s public website. NYSOFA provides links in the top six languages to a message explaining the importance and purpose of the Resource Guide and directs consumers with LEP to the appropriate local AAA (through which direct services are provided) for assistance.

Any documents determined to be vital during the course of this plan will be timely translated.

The process for ensuring that translations are accurate and incorporate commonly used words is as follows:

NYSOFA, through its vendor (where applicable), ensures that proofing/editing for correctness and cultural sensitivity are a component of the translation services provided by any vendor under contract as part of the publication process. NYSOFA also ensures that plain language is used in materials produced before translation to ensure information is accessible to a range of literacy levels.

We use, or have available for translating, the following resources:

- Contracts with language service vendors

Names of vendors: Potentially any vendor under the NYS OGS Statewide Administrative Services contract.

- Contracts or other arrangements with community organizations or individuals for oral interpreting services

Names of individuals/organizations and languages:

- Oral translations of written documents by bilingual staff members
- Oral translations of written documents by other individuals or community organizations

- Other

NYSOFA has added a link to a translation feature developed by Google™ Inc., entitled Google™ Translate, to assist visitors to the NYSOFA’s website with a disclaimer of use. The Google™ Translate Disclaimer states “The "Google™ Translate" option may assist you in reading the materials on this website in a variety of languages; however, Google™ Translate cannot translate all types of documents and it may not give you an exact translation all the time. Anyone

relying on information obtained from Google™ Translate does so at his or her own risk. NYSOFA does not make any promises, assurances, or guarantees as to the accuracy of the translations produced by Google™ Translate. The State of New York, its officers, employees, and/or agents shall not be liable for damages or losses of any kind arising out of, or in connection with, the use or performance of such translated information, including but not limited to, damages or losses caused by reliance upon the accuracy of any such translated information, or damages incurred from the viewing, distributing, or copying of such materials.”

The agency’s Language Access Coordinator maintains the list of written translation resources that are available to staff, which includes:

- Names and contact information for all resources
- Names and locations of staff members who are available to provide oral translations of written documents
- Languages in which each translation service is qualified
- Procedure for accessing each translation service

PART 5 – STAFF TRAINING

The person(s) in the agency who is responsible for the provision of training to staff in language access issues is: Colleen Scott, Language Access Coordinator.

The staff training includes the following components:

- The legal obligations to provide meaningful access to benefits and services to LEP individuals
- How to access language assistance services
- How to work with interpreters
- Cultural competence and cultural sensitivity
- Documenting the language needs of LEP individuals and the language services provided to them by the agency
- How to obtain written translation services

The methods and frequency of training are as follows:

Language Access training is provided for all NYSOFA's staff using the standardized curriculum developed and provided by the Governor's Office of Employee Relations (GOER). The LAC is the lead trainer. The mandatory Language Access training occurs annually. Refresher courses and new staff training will be given as needed.

PART 6 – ADMINISTRATION

Monitoring

To ensure compliance with the plan, the LAC will monitor its implementation as follows:

The LAC will review each relevant program area's compliance with the Language Access Plan biannually. The Vital Documents Committee meets on an ongoing basis to ensure any public document is reviewed to determine if it is a vital document. If so, the LAC coordinates translating the document into the top 6 languages.

Complaints

We provide information to the public advising them of the right to file a complaint if they feel that they have been the subject of discrimination based on national origin and language access. The information we provide describes how and/or where to file a complaint. We do not retaliate or take other adverse action because an individual has filed a complaint alleging discrimination based on LEP status or needs.

We display information on the right to file a complaint, and the procedures to file a complaint, in the following manner:

NYSOFA has added information on the NYSOFA's website pertaining to consumers' rights to file discrimination complaints based on national origin and language access. This information is accessible through links on the homepage in the top six languages. The standardized complaint forms are available to the public upon request in all six languages and through the NYSOFA's website.

We handle complaints made to the agency regarding the provision of language assistance services in the following manner:

NYSOFA's General Counsel receives and investigates such complaints or oversees a designee in conducting the investigations. Telephonic interpreting services provided by our OGS approved vendors are utilized during the investigatory process to ensure linguistic accessibility for all LEP complainants .

Any applicant for, or recipient of, benefits and services or any potential applicant for, or potential recipient of, benefits or services funded by NYSOFA, who believes he or she has been discriminated against because of national origin stemming from inadequate language accessibility may file a complaint by contacting NYSOFA as follows:

- Use the Language Access Complaint Form for complaints about language assistance found on the NYSOFA's website under Language Access.
- Submit completed complaint form as follows:
 - By mail or email to: New York State Office for the Aging, ATTN: Office of the General Counsel, 2 Empire State Plaza, Agency Bldg. 2, 5th Fl., Albany, NY 12223.
 - Email to languagaccess@aging.ny.gov.
 - Include name, address, and phone number on the complaint. Complaints may be submitted in English or in another language.
- Complaints may also be filed by calling the NYSOFA NY Connects line at 1-800-342-9871. Free interpretation and language assistance are available.

NYSOFA will process complaints as follows:

- NYSOFA will conduct an investigation.
- The investigator will prepare a report for the NYSOFA Director.
- The NYSOFA Director will make a final decision.
- NYSOFA will send the complainant a letter with the Director's decision with copies to the program named in the complaint.
- NYSOFA will generally send the decision letter within 90 days from the receipt of the complaint.

PART 7 - SIGNATURES

Greg Olsen Acty. Director 5-15-19
 Head of Agency Title Date

Colleen Spitz Language Access Coordinator/
Advocacy Specialist 5/16/19
 Agency LAC Title Date

[Signature] Deputy Secretary for Civil Rights 5/30/19
 Deputy Secretary for Civil Rights Date