

# **LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS**

**State Agency:** New York State Office for the Aging

**Effective Date of Plan:** 5/30/2017

**Language Access Coordinator (LAC):** Colleen Scott

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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 for the aging network in each state by developing supportive and community-based services. SUA receive funds for nutrition, elder rights, long term care ombudsman services, legal services, outreach, abuse prevention efforts, caregiver support services and a variety of supportive services to enable older adults 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 SUA under the Federal OAA of 1965, as amended. As the SUA, NYSOFA is responsible for developing and administering a multi-year statewide Plan for Aging services. NYSOFA 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; and programs and services that 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 and designates an Area Agency on Aging (AAA) within each area. Each AAA is required to complete and submit to the SUA a four year plan with an annual update which describes how OAA funds will be allocated for specific programs. Upon approval of AAA plan, NYSOFA authorizes 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 performs other key policy and administrative functions which include:

- Advising and assisting the Governor to develop policies to help meet the needs of older New Yorkers and to encourage their full participation in society;
- Coordinating state programs and services for older adults;
- Stimulating community interest in problems faced by older adults;
- Promoting public awareness of resources available for older adults and their caregivers;
- Ensuring the development of local programs; and
- Fostering and supporting studies, research and education on the older adult population.

NYSOFA also 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:

- Constituents contact NYSOFA directly through a toll-free telephone line staffed by representatives who refer them to the appropriate resources.
- The Office of the State Long Term Care Ombudsman is administratively housed at NYSOFA. The State Ombudsman supervises Regional Ombudsman Coordinators who serve all communities throughout the State. Regional Ombudsman programs are sponsored qualified organizations and are regionally based throughout the state. The heart of the Long Term Care Ombudsman Program (LTCOP) 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.
- NY Connects: Choices for Long Term Care, also known as NY Connects, provides comprehensive information and assistance to individuals in need of long term services and supports and informal caregivers. NY Connects is available to individuals and families seeking private pay, Medicaid and other publicly funded services. Individuals with long term service and support needs typically contact the local NY Connects' office for assistance or a statewide toll-free number.

The Health Insurance Information, Counseling and Assistance Program (HIICAP) receives federal and state funds to operate a statewide network of local programs which: educate the public about Medicare, Medicaid, managed care, Elderly Pharmaceutical Insurance

Coverage, and other health insurance options and issues; assist Medicare beneficiaries of all ages to access needed health care benefits and to apply for programs such as the Medicare Savings Programs. Consumers contact NYSOFA’s HIICAP staff for assistance in instances where cases are complex or the demand in a particular geographic area exceeds capacity.

**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 19,795,791- the NYS population in 2015

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

<b>Language</b>	<b>Estimated Number of LEP Individuals Who Speak this Language</b>
Spanish	1,240,490
Chinese	350,976
Russian	130,296
Haitian Creole	68,509
Korean	61,833
Italian	58,200

Source: U.S. Census Bureau, 2010-2014 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 data)
- 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.](#)

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

Due to the incomplete break down of available Census Data for NYSOFA’s statewide constituent group of older adults age 60 and over, the table below, appearing after this narrative, provides currently available Census data on statewide representation of older New Yorkers, but has less detailed language data. However, NYSOFA will use the top six languages listed above in determining its plans for language assistance services.

**Total Population:**

Ages 18 to 64: ..... 12,625,274  
 (i.e., potential caregivers)  
 Ages 65 and over: ..... 2,895,680  
 (i.e., that portion of older adults eligible for NYSOFA services, ages 60 and over, who are discretely reported by Census Bureau. NOTE: current Limited English data are not available for ages 60 and over.)

Language	Ages 18 to 64 (i.e., potential caregivers)		
	Estimated Number of LEP Individuals Who Speak this Language (i.e., speak less than "well")	Total language speakers in age cohort	Percent of language speakers with LEP in age cohort
Spanish:	582,451	2,025,033	28.76%
Other Indo-European languages:	131,849	1,080,165	12.21%
Asian and Pacific Island languages:	223,379	692,082	32.28%
Other languages:	25,352	211,862	11.97%

**Ages 65 and over**  
 (i.e., that portion of older adults ages 60 and over reported by the Census Bureau)

Language	Ages 65 and over (i.e., that portion of older adults ages 60 and over reported by the Census Bureau)		
	Estimated Number of LEP Individuals Who Speak this Language (i.e., speak less than "well")	Total language speakers in age cohort	Percent of language speakers with LEP in age cohort
Spanish:	142,535	283,724	50.24%
Other Indo-European languages:	97,699	294,286	33.20%
Asian and Pacific Island languages:	77,557	125,381	61.86%
Other languages:	6,497	28,520	22.78%

Source: U.S. Census Bureau, American Community Survey, 2012 1-Year Estimates, Table B16004.

**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?** NYSOFA has one main phone line that is inclusive of three statewide programs (HICAP, LTCOP, and NY Connects) all of which are automated in the top six languages to direct people to the appropriate resource (generally their county or regional office). If the person wishes to speak to a NYSOFA staff member or is unable to navigate the menu prompts (available in multiple languages), they can speak with a NYSOFA frontline staff member trained to assist callers who may be LEP. Front line staff obtain telephonic interpretation on demand through the NYS Office of General Services (OGS) approved vendor.

- 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 organizations

**What are the LEP populations targeted?** Spanish, Chinese, Russian, Haitian Creole, Korean, and Italian.

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

- Telephonic voice menu providing information in non-English languages

**In which languages:** English, Italian, Haitian Creole, Mandarin, Cantonese, Korean, Spanish and Russian.

- Other (describe) Free language assistance notification is available in our website along with the Google translate button, a disclaimer, and resources for each NYSOFA program in each language. The complaint form is also available electronically in the top six languages.

#### **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*:**

- "I Speak" posters or visual aids
- Reception staff makes those determinations based on experience, with the assistance of bilingual staff members where available
- Other (describe) The occurrence of in-person encounters is rare, 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 NYS OGS approved telephonic interpreters.

**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*:**

- Reception staff makes those determinations based on experience, with the assistance of bilingual staff members where available
- Telephonic interpreting service
- Other (describe) NYSOFA's front line staff will directly inform LEP callers or use the telephonic interpreting vendor to advise callers that free language assistance is available.

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

The NYS OGS approved vendor provides thorough records on frequency of use, languages spoken and costs associated with service. Written and/or electronic monitoring logs of LEP contacts are maintained and reconciled with the vendor records.

#### **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 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 NYS OGS approved telephonic interpreters to assist the consumer.

**By telephone:** When the encounter is by telephone through 1-800 toll free NY Connects or other telephonic resources, staff have been trained to assess the needs of the caller and connect him/her to an interpreter. In the event that a consumer does not appear to understand information provided or appears unable to communicate needs clearly, staff will contact the vendor for assistance and use the professionally trained interpreter to complete the call per usual protocol.

**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 the vendor services. Interpretation will be provided through any of the mentioned mechanisms 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:** N/A.

**Other (describe):** [Click here to enter text.](#)

**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 the NYS OGS approved vendor interpreters to assist the consumer.

**By telephone:** There are automated menus in each of the top languages available on all NYSOFA statewide toll free line (general, NY Connects, LTCOP, HIICAP). If a caller is unable to navigate the automated menu in their language of preference, NYSOFA's staff will inform callers with LEP individuals or use the NYS OGS approved telephonic interpreter to advise the caller 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 or appears unable to communicate their needs clearly, the NYSOFA staff person will contact, as appropriate, the local AAA, the appropriate NYSOFA program or vendor services. Interpretation will be provided through any of the mentioned mechanisms to advise the consumer that they do not need to provide their own interpreters and that free interpretation services will be provided.

**For pre-planned appointments with LEP individuals:** N/A

**Other (describe):** [Click here to enter text.](#)

**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 emergencies** an LEP individual will be permitted to use a minor, a family member or friend as an interpreter. 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 NYS OGS approved vendor ensures that all NYSOFA staff have access to interpreters in a timely manner. NYSOFA utilizes vendor accounts for the Long Term Care Ombudsman Program (LTCOP), the Health Insurance Information, Counseling and Assistance Program (HIICAP), and NY Connects: Choices for Long Term Care.

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

The vendor provides thorough records on frequency of use, languages spoken and costs associated with service. Written/and or electronic monitoring logs of LEP contacts are maintained and reconciled with the vendor's records.

### **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 NYS OGS approved telephonic 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. Interpreters 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:** [Click here to enter text.](#)

- Telephonic interpreting service

**Names of vendors:** 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:** [Click here to enter text.](#)

- Other (describe) [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 have the NYS OGS approved telephonic interpreting vendor accounts and access to them. All necessary information and training is provided to obtain and properly utilize oral interpreting services.

## **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, 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.

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

NYSOFA utilizes the translation services by the NYS OGS approved vendors, to reply to the inquiries as per normal process. 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 the NYS OGS approved interpreting services vendor would be used to call the person and address their needs by phone in a prompt manner.

**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 develops and edits 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 [Note as a comparison, newspapers are generally written to the 12th grade level.]

**The following documents are currently translated by the agency in the languages indicated:**

Form #	Name	Top Six Languages						Additional Languages
		Spanish	Chinese	Russian	Haitian Creole	Korean	Italian	
	LTCOP Brochure	✓	✓	✓	✓	✓	✓	
	LTCOP Authorization and Waiver of Confidentiality	✓	✓	✓	✓	✓	✓	
	LTCOP Adult Home Residents Rights Poster	✓	✓	✓	✓	✓	✓	

NY Connects Brochure (interim)	✓	✓	✓	✓	✓	✓	
HIICAP Brochure	✓	✓	✓	✓	✓	✓	Burmese, Nepali, Ukrainian and Uzbek

Any additional 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, will ensure 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 will also ensure 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:** 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 (describe)

**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.

**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:**

In addition to the standardized, mandatory curriculum developed and provided by the Governor’s Office of Employee Relations, the Language Access Coordinator is the lead trainer at NYSOFA. Mandatory internal training occurs annually. Refreshers and new staff training are available 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 bi-annually.

## **Complaints**

**We provide information to the public in at least the top six languages, advising them of the right to file a complaint if they feel that they have been the subject of discrimination. 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 complaints regarding the provision of or access to language access services. This information is accessible through links on the homepage in the top six languages.

The standardized complaint forms are available to the public in all six languages and through NYSOFA's website.

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

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

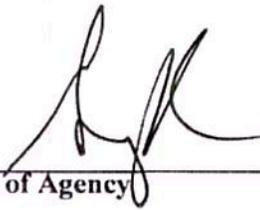
Any applicant for, or recipient of, benefits and services or any potential applicant for, or potential recipient of, benefits or services funded by NYSOFA, regarding the provision of or access to language assistance services may file a complaint in person or by contacting NYSOFA in the following ways:

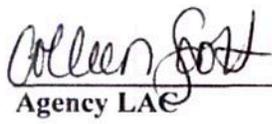
- Download the Language Access Complaint Form from NYSOFA's website
- Submit completed complaint form by mail to:  
New York State Office for the Aging, ATTN: Office of the General Counsel, 2 Empire State Plaza, Agency Bldg. 2, 5th Fl., Albany, NY 12223. Or by email to: [languageaccess@aging.ny.gov](mailto:languageaccess@aging.ny.gov).
- 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 main telephone line at 1-800-697-6321. Free interpretation and language assistance are available.

NYSOFA will investigate all complaints and provide a written response within 90 days of receipt of complaint.

All complaints must be timely forwarded to the Statewide Language Access Coordinator.

PART 7 – SIGNATURES

  
Head of Agency      ACTING DIRECTOR      5-31-17  
Title      Date

  
Agency LAC      Advocacy Specialist      4/28/17  
Title      Date

  
Deputy Secretary for Civil Rights      5/25/17  
Date