

LANGUAGE ACCESS PLAN FOR LEP INDIVIDUALS

State Agency: Office of Alcoholism and Substance Abuse Services

Effective Date of Plan: April 1, 2015

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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 persons with limited English proficiency (“LEP”) have meaningful access to agency services, programs, and activities.

Statement of Agency Services to the Public:

OASAS's primary mission is to improve the lives of New Yorkers by leading a comprehensive, premier system of addiction services through prevention, treatment and recovery. OASAS oversees one of the nation’s largest addiction services systems with nearly 1,600 prevention, treatment and recovery programs. OASAS chemical dependence treatment programs assist about 100,000 people a day and approximately 240,000 individuals every year. OASAS operates 12 Addiction Treatment Centers (ATCs) which provide in-patient rehabilitation services to about 8,000 persons each year.

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: 285,000 (for treatment provided at the 12 OASAS Addiction Treatment Centers) in 2013.

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	1,230,302
Chinese	329,482
Russian	130,961
Italian	65,243

Korean	64,426
French (Haitian) Creole	64,046

Source: U.S. Census Bureau, 2008-2012 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:

- Information from other government agencies

Names of agencies: NYS Office for Temporary and Disability Assistance.

- Other (describe)

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

The agency currently tracks the use of interpreting services through monthly reports from the vendors, which are checked against reports from designated Language Access Coordinators at each Addiction Treatment Center.

Our Prevention Programs (centered almost exclusively with schools) and our Recovery Programs (administered by non-profit providers) do not capture/report data on individuals with LEP they may serve.

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? Currently, LEP individuals are informed by OASAS staff of free language assistance services available through the HOPELINE that offers the necessary translation/interpreting services. We display generic "I Speak" posters at all of our facilities

where we have direct contact with the public, which are used in conjunction with telephonic interpreting services provided through a 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? The LEP targeted populations are dictated either by the demographics of the area or the demographics of the respective organization to which OASAS is presenting. To date, however, the primary languages we have targeted are Spanish and Chinese.

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

Telephonic voice menu providing information in non-English languages

In which languages:

Other (describe)

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)

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) OASAS's telephonic interpreting services are provided through a contract with the Mental Health Association of NYC for callers seeking agency treatment services through our HOPELINE at no cost to them. The agency also provided staff with access to Language Line Solutions interpreting service for when language assistance is needed.

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

The agency currently tracks the use of interpreting services through monthly reports from the vendors, which are checked against reports from the designated Language Access Coordinators at each Addiction Treatment Center. Specific individual language needs are recorded at our Addiction Treatment Centers, but only if the patient is admitted to the Program.

A. Oral Interpreting Services

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

For in-person encounters: Depending on the language need a bilingual staff member may be able to identify the specific language or they can use the "I Speak" poster for assistance.

By telephone: Depending on the language need a bilingual staff member may be able to identify the specific language. Interpreting services are provided directly by bilingual staff or staff can contact the HOPELINE or Language Line for assistance.

At initial contact in the field: Depending on the language need a bilingual staff member may be able to identify the specific language. Aside from contacts made at an OASAS's administered Treatment Center, field contact with LEP individuals is made primarily by OASAS's providers who are not subject to E.O. 26, but who are aware of the HOPELINE service.

For pre-planned appointments with LEP individuals: OASAS has several Addiction Treatment Center's (ATC) with bilingual staff (Spanish). Two (2) ATCs also have dedicated mono-lingual programs. For those LEP individuals (clients) who have applied for and have been accepted into an OASAS ATC, and as such have pre-planned appointments, his/her language needs are identified in advance and the respective Center will be prepared for their arrival with the appropriate language assistance services ready for use.

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: Currently all in-person language needs are addressed by staff offering assistance through the HOPELINE, a contracted vendor, or by a bilingual staff person. Clients are advised at that time that they do not need to bring or hire their own interpreter.

By telephone: We inform clients through the HOPELINE, contracted vendor, bilingual staff or TTY services for the hearing impaired.

At initial contact in the field: An LEP individual is advised of free interpreting services provided at our HOPELINE. The client is further advised and that he/she needs not to hire nor bring a family member to serve as an interpreter in order to be served at any of the OASAS ATCs.

For pre-planned appointments with LEP individuals: OASAS has several ATCs with bilingual staff (Spanish). Two (2) ATCs also have dedicated mono-lingual programs. For those LEP individuals (clients) who have applied for and have been accepted into an OASAS ATC, and as such have pre-planned their arrival, his/her language needs have already been identified and the respective Center will be prepared for their arrival with the appropriate language assistance services ready for use.

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 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:

Our staff have access to Language Line telephonic interpreting services at all times.

If, through our pre-planned appointment process, OASAS is made aware of the respective LEP needs of an incoming individual, interpreting service arrangements will be ready at time of intake. It is this model that OASAS uses for its two (2) dedicated mono-lingual programs (where the dominant LEP language is Spanish).

In the field our employees encourage LEP individuals to contact the HOPELINE, which can provide immediate assistance in their language.

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

OASAS records and maintains documentation of oral interpreting services via its contract arrangements with the vendor and through its billing mechanism.

Competency and confidentiality

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

Currently, through on-going cultural competency and sensitivity training, OASAS provides basic/essential interpreting services through its bilingual staff, where and as available, as well as through our HOPELINE service. Where OASAS 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:

As an established employment practice/condition, OASAS employees are under a strict obligation to adhere to the confidentiality of all whom it serves. Under a Qualified Service Organization Agreement (QSOA) a contract with any person/agency providing services to OASAS (in this case interpreting services) is bound by 42 CFR to abide by strict confidentiality rules in relation to information about any LEP individual receiving services from OASAS. Independent interpreters will enforce standards of confidentiality in accordance with NYS Law.

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:

Addiction and Treatment Center	Languages and Number of Staff
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Blaisdell	Russian – 1 Hindi – 1
Kingsboro	Spanish – 11 Russian – 1 Haitian Creole – 3 Polish – 2 Farsi - 1
CK Post	Spanish – 1
South Beach	Spanish – 2 Russian – 2

- Bilingual staff members who provide oral interpreting when necessary

Number of staff and languages spoken: See chart above.

- Telephonic interpreting service

Names of vendors: Our HOPELINE interpreting service is contracted with Mental Health Association of NYC. Vendors, such as Language Line Solutions, under the OGS Statewide Administrative Services Contract, are also available for agency staff at ATCs and in our agency offices.

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

Names of individuals/organizations and languages:

- Other (describe)

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:

This information is shared through our on-going institutional training; pay stub announcements; OASAS's newsletter and ATC Director's meeting. The agency has designated Language Access Coordinators at each ATC who regularly inform staff of the interpreting services offered and provide guides to use these services. These coordinators work in conjunction with the agency's Language Access Coordinator to ensure that front-line staff have the knowledge and resources needed to provide language assistance.

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:

The LAC and other managerial staff reviews and assesses changes to existing documents and any new publications to determine if said documents are vital and must therefore be translated. The agency through the LAC also assesses the on-going delivery of OASAS's services to the public that may require development of a new vital document to be offered in the six languages under E.O. 26 and/or a specific language that has been identified as a common language now used by an increased number of clients we serve.

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

Any documents submitted by an LEP individual that cannot be accurately translated by a bilingual OASAS staff will be submitted to a designated vendor (as identified by OGS) for translation in a timely manner.

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

Currently all of OASAS's documents that have been translated into Spanish are in plain language in accordance with the Federal Lexicon.

The following documents are currently translated by the agency in the six languages required by Executive Order 26:

TRS-1 Prohibition on Redislosure of Information Concerning Alcoholism & Substance Abuse Patient;

- TRS-2 Consent for Release of Information Concerning Alcoholism & Substance Abuse Patient;
- TRS-2.2 Withdrawal of Consent for Release of Information
- TRS-2.3 MATS Consent for Release of Information
- TRS-3 Consent for Release of Information Concerning Alcoholism/Substance Abuse Patient's Presence in Facility & General Medical Condition;
- TRS-4 Criminal Justice Consent to Release Information;
- TRS-5 Authorization for Release of Confidential HIV-Related Information;
- TRS-6 Notice of Status and Rights - Informal Admission;
- TRS-7 Consent to Disclose Communicable Diseases;
- TRS-8 Notice to Patients;
- TRS-9 Consent for Inpatient Rehabilitation Treatment for a Person under Age of 18;
- TRS-28 Request to Obtain a Copy of the Clinical Record;
- TRS-32 Request to Amend the Record of Alcoholism/Drug Abuse Patient;
- TRS-33 Privacy Complaint Form;
- TRS-33.1 Privacy Complaint Resolution Form;
- TRS-35 Request to Restrict the Use of Confidential Information;
- TRS-36 Request to Review the Denial of a Documentation Request;
- TRS-49 Consent to Release of Information for Criminal Justice Clients;

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

OASAS, through its vendor (where applicable), will ensure that proofing/editing for correctness and cultural sensitivity is a component of the translation services provided by any vendor under contract as part of the publication process. OASAS 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: Currently we are providing services via an MOU with OTDA and vendors under the 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: Director of Human Resources; Affirmative Action Officer; Legal Counsel.

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:

The methods of training used ensure that each aspect of the training components identified in Part 5 are presented and explained to all agency personnel involved in direct contact with LEP individuals. The mandatory language access training is conducted annually and refresher courses are provided as needed. For new hires, E.O. 26 will be reviewed and explained at the time of hire. E.O. 26 is included in every new hire packet for their on-going review and reference. A semi-annual review is conducted of all vital documents used at the ATCs to ensure that they are current and in compliance with agency policy and E.O. 26. This review is conducted by the Associate Commissioner for Treatment in conjunction with the agency's LAC.

PART 6 – ADMINISTRATION

Monitoring

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

The agency's LAC will: a) conduct quarterly reviews of the "Plan" to ensure that all translation/interpreting services are being provided to LEP individuals as and when needed; b) meet with OASAS's staff responsible for the execution of specific areas of responsibility within the "Plan", e.g. training, updating of website and web links for LEP individuals to access information about the agency and its services; c) modify/update changes to the "Plan" as they become necessary; and d) meet on a quarterly basis with the OASAS LAC Working Group.

Complaints

We provide information to the public, including to LEP individuals in languages regularly encountered in this service area, 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:

Notice of access to our Patient Advocacy unit is made known and available to all OASAS's administered facilities and provider programs. Notices informing LEP individuals of the availability of a complaint form is displayed in public areas throughout our agency. The standard complaint form is made available in the six (6) languages mentioned in Part 2 of this Plan.

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

All patient complaints are handled through the OASAS Patient Advocacy unit. Furthermore, OASAS uses the Statewide Language Access Complaint Form to address language access complaints.

PART 7 – SIGNATURES

Aleene Sanchez Commissioner 3/12/15
Head of Agency Title Date

Jannette Pardo Director of Internal Communications 3/12/15
Agency DAC Title Date

Antonio L. Jolly 3/4/15
Deputy Secretary for Civil Rights Date