

LANGUAGE ACCESS PLAN FOR LEP INDIVIDUALS

State Agency: Office of the Medicaid Inspector General

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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:

The mission of the New York State Office of the Medicaid Inspector General (OMIG) is to enhance the integrity of the NYS Medicaid program by preventing and detecting fraudulent, abusive, and wasteful practices, and recovering improperly expended Medicaid funds, while promoting high quality patient care. As such, OMIG primarily interfaces with Medicaid providers and other State regulatory agencies. However, OMIG maintains a Medicaid Fraud Hotline and Complaint Form that the public can use to file allegations of fraud, waste, and/or abuse.

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: 19,651,127 residents.

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:

- Other (describe)

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

The Bureau of Medicaid Fraud Allegations maintains a spreadsheet documenting all calls that required the use of professional telephonic interpreting service at the time of contact. We encountered 179 Spanish speakers, 35 Chinese speakers (9 Cantonese and 17 Mandarin), 2 Bengali speakers, 1 French (Haitian) Creole speaker, and 17 Russian speakers in FY 2013.

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? At any public contact (in person or by phone), if an individual indicates a need for language assistance, staff informs the individual of language assistance services available.

- 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?

- 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) The public does not have “in person” access to OMIG staff.

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 public does not have “in person” access to OMIG staff.

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)

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

The interpreting services company provides OMIG’s budget office and the LAC with a monthly report of services provided. The report includes the number of calls requesting interpreting services, number of individuals receiving interpreting services and the languages requested.

A. Oral Interpreting Services

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

For in-person encounters: N/A

By telephone: Through self-identification by the caller. Alternatively, if the person's language is not known, cannot speak English or appears unable to communicate their needs clearly enough for staff to provide service, OMIG staff members contact the interpreting service for assistance.

At initial contact in the field: If the person cannot speak English or appears unable to communicate their needs clearly enough for staff to provide service, staff uses an "I Speak" card to determine the individual's preferred language. If the individual's language is not known, staff contacts the telephonic interpreting vendor for assistance.

For pre-planned appointments with LEP individuals: OMIG staff members determine whether such LEP individual needs interpreting services either through self-identification by the LEP individual or if the LEP individual cannot speak English or appears unable to communicate their needs clearly enough for staff to provide service.

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: N/A

By telephone: OMIG staff assess language barrier and immediately contacts the interpreting vendor for assistance. Staff using the contracted interpreter informs the LEP individual of free interpreting services.

At initial contact in the field: OMIG staff assess language barrier and immediately contacts the interpreting vendor for assistance. Staff using the contracted interpreter informs the LEP individual of free interpreting services.

For pre-planned appointments with LEP individuals: Upon making the request for an appointment, the LEP individual is verbally informed of our free interpreting services by our staff.

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 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:

OMIG staff is trained to access interpreter services through a contracted vendor when they are unable to communicate successfully with a caller in English. The caller is asked to hold briefly, while an interpreter is reached for timely assistance.

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

The unit that handles complaints of Medicaid fraud maintains an Access database of all calls, including those that required the use of telephonic interpreting services.

Competency and confidentiality

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

Where the agency 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:

The training provided to staff addresses the importance of confidentiality. Furthermore, 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:

- Bilingual staff members who provide oral interpreting when necessary

Number of staff and languages spoken:

- Telephonic interpreting service

Names of vendors: Language Services Associates, Inc. and potentially any other vendor 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:

- 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:

Training is provided for all front-line staff to ensure that everyone is well versed in accessing interpreting services in a timely manner. Training provides specific instructions for contacting interpreting services as soon as a staff person is notified of the need or makes an independent determination.

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:

OMIG does not generally have contact with the public and therefore our “vital” document list is limited. Agency Coordination and Communication (ACC) reviews all new content prior to its posting to the agency’s public website to determine whether the content requires translation. Additionally, any new documents published by the agency are reviewed by the LAC along with the

ACC and other interested bureaus within the agency to determine if they are vital and, therefore, must be translated. If there is a recommendation for translation of any given content or document, the recommendation is shared with the Director of ACC for approval. Upon approval, the content or vital document will be translated using the vendor.

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

The LAC works with the unit that receives complaints, and ensures that any new forms are discussed to determine whether translation is necessary. All documents in need of translation will be submitted to the contracted translation vendor 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:

Prior to submitting documents for translation, the proposed documents are analyzed using the Flesch-Kincaid Grade Level Tool, available through Microsoft Windows.

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

OMIG does not generally have contact with the public and therefore our “vital” document list is limited. OMIG has identified the “Vision and Mission Statement” and the “Medicaid Fraud Complaint Form” documents as vital, and they have been translated into the top six languages.

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

OMIG, through its vendor, will ensure that proofing/editing for correctness and cultural sensitivity are components of the translation services provided by any vendor under contract as part of the publication process. OMIG 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: Language Services Associates, Inc. and potentially any other vendor 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:

OMIG's Language Access Coordinator, Kim Pannone, is responsible for arranging all language access training-related activity within the agency.

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:

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3/16/15

Agency LAC

Title

Date

[Handwritten signature: Patricia R. Gately]

3/5/15

Deputy Secretary for Civil Rights

Date