

LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

State Agency: Office of the Medicaid Inspector General

Effective Date of Plan: 5/30/2019

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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 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, State regulatory agencies and law enforcement entities. However, OMIG maintains a Medicaid Fraud Hotline, as well as an online form, to allow the public to file allegations of fraud, waste, and/or abuse against Medicaid providers and recipients.

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 estimated 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

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 Click here to enter text.

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

OMIG’s Language Access Coordinator (LAC) maintains a spreadsheet documenting all calls that required the use of professional telephonic interpreting services at the time of contact, as well as all requests for translation. For FY2017, OMIG encountered 105 Spanish speakers, 13 Chinese speakers (Mandarin), 20 Russian speakers, three Arabic speakers, and one Bengali speaker. For FY2017, OMIG received correspondence requiring translation from another language into English as follows: two Spanish and ten Simplified Chinese.

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? The public does not have “in person” access to OMIG staff. For any public contact by phone, if an individual indicates a need for language assistance, staff informs the individual of free 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

What are the LEP populations targeted? Spanish, Chinese, Russian and other languages as needed.

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

Telephonic voice menu providing information in non-English languages

In which languages: Spanish

Other (describe) OMIG's website, www.omig.ny.gov, contains information about free language assistance that is displayed prominently on the home page. Google Translate is available for the entire website. In addition, the Notice of Important Document is included in correspondence.

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 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 [Click here to enter text.](#)

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

In addition to the tracking spreadsheet, the interpreting services company with which OMIG contracts provides a monthly report of services utilized. The report includes the number of calls requesting interpreting services, the number of individuals receiving such services, and the languages requested, as well as a listing of correspondence translated.

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, they cannot speak English, or seem to be 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, during the course of an on-site investigation or audit review, the person cannot speak English or appears unable to communicate their needs clearly enough for staff to conduct their work, staff uses an “I Speak” card to determine the individual’s preferred language and the telephonic interpreting vendor is contacted. 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 the LEP individual needs interpreting services either through self-identification by the LEP individual or with the assistance of the telephonic interpreting vendor.

Other (describe): N/A

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 the language barrier and immediately contact the interpreting vendor for assistance. Staff make sure the contracted interpreter informs the LEP individual that the interpreting service is free of charge.

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

For pre-planned appointments with LEP individuals: OMIG staff assess the language barrier and contact the interpreting vendor for assistance. Staff make sure the contracted interpreter informs the LEP individual of free interpreting services.

Other (describe): N/A

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 who contact OMIG 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, in the event of an emergency, 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:

OMIG staff are trained to immediately 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:

OMIG's Language Access Coordinator maintains a spreadsheet documenting all calls that required the use of professional telephonic interpreting services at the time of contact.

Competency and confidentiality

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

The vendors that OMIG contract with to provide interpreting and translation services are required to 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: 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: Potentially any vendor under the NYS Office of General Services (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:

Training for all front-line staff employees is provided 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 the “vital” document list is limited. The Agency’s Public Affairs and Intergovernmental Relations units review 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, Public Affairs, Intergovernmental Relations, 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 Medicaid Inspector General for approval. Upon approval, the content or vital document will be translated using the interpreting services company.

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 correspondence regarding Medicaid fraud complaints and ensures that any new allegations that need translation are 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 will be analyzed using the Flesch-Kincaid Grade Level Tool, available through Microsoft Windows.

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

Form #	Name	Top Six Languages						Additional Languages
		Spanish	Chinese	Russian	Haitian Creole	Korean	Bengali	
	Explanation of Medicaid Benefits **	✓						
	Medicaid Fraud Allegation Form	✓	✓	✓	✓	✓	✓	Turkish, Italian

*** While the EOMB is in English on the front and Spanish on the back, there is also an enclosure that provides information in the five other required languages directing the recipient to call the hotline to receive free oral interpretation of the document.*

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

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 a component of the translation services provided by 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: Potentially any vendor under the NYS Office of General Services (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.

- Oral translations of written documents by bilingual staff members

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

- Other [Click here to enter text.](#)

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 Bureau of Staff Development and Training is responsible for arranging all Language Access training 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:

Mandatory language access training via the Statewide Learning Management System is provided at least once a year to all front-line staff and their supervisors and/or managers. Refresher trainings are offered to staff more frequently if deemed necessary. Additionally, handouts and other written refreshers are available and may be included in new employee packets.

PART 6 – ADMINISTRATION

Monitoring

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

On a quarterly basis, the LAC will monitor compliance with OMIG's Language Access Plan. Monitoring will include: 1) Review of OMIG's public website to ensure that documentation approved for translation has been completed and is accessible, 2) Meet with the Director and staff of the Bureau of Medicaid Fraud and Allegations (BMFA) to discuss the volume and nature of calls that require interpreting services and the competency of staff to access interpreting services in a timely manner, 3) Meet with the Directors of Public Affairs and Intergovernmental Relations to review the establishment of a criteria for determining if translation is required for website content, and 4) Report to the Executive Leadership Team on the success of OMIG in adhering to its Language Access Plan.

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:

A notice indicating the availability of a complaint form, the standardized complaint forms, and instructions are made available to the public upon request and at OMIG's website in all six languages.

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

The Language Access Complaint Form is available on the website or can be provided upon request by calling OMIG's general number or writing the agency. If a complaint regarding the provision of language services is received, it would be transferred directly to the attention of OMIG's Language Access Coordinator for immediate attention and the proper follow up.

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

PART 7 – SIGNATURES

Dennis Lee Medicaid Inspector General 5/7/19
Head of Agency Title Date

Belinda Jattum Director of Intergovernmental Relations 5.7.19
Agency LAC Title Date

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