

LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

State Agency: New York State Office for People With Developmental Disabilities (OPWDD)

Effective Date of Plan: 5/30/2017

Language Access Coordinator (LAC): Nicole Weinstein

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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 who are limited English proficient (“LEP”) have meaningful access to agency services, programs, and activities.

Statement of Agency Services to the Public:

The New York State Office for People With Developmental Disabilities (OPWDD) provides services to more than 130,000 New Yorkers with developmental disabilities, including: intellectual disabilities, cerebral palsy, Down syndrome, autism spectrum disorders, and other neurological impairments. Services are coordinated directly through the state and through a network of approximately 750 not-for-profit service providers, about 80 percent of services provided by not-for-profit provider agencies, and 20 percent provided by state-run services.

Individuals and families access services through the OPWDD “Front Door,” a standardized, statewide process for people to learn about OPWDD and available service options, and then to establish eligibility. Once eligibility has been determined, people are assessed for strengths and support needs are identified, such as language spoken, written, read, and understood. A plan is then implemented to provide these services.

In developing this plan, we have understood individuals with LEP 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: OPWDD supports approximately 130,000 individuals with developmental disabilities. It is estimated that 2% of New Yorkers have developmental disabilities.

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

Language	Estimated Number of Individuals with LEP Who Speak this Language
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 5-Year Estimates.

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

- 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 will continue to collaborate with OPWDD’s Statewide Language Access Committee to determine the language needs of the OPWDD system of care. In addition, we use the Tracking and Billing System (TABS) data set to determine language needs.

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

OPWDD documents communication needs during the initial assessment and eligibility determination for services and support. The communication needs are captured in the TABS data set.

Communication services are built into an ascribed service plan that includes regular and continual support for people with developmental disabilities and their families.

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? During information sessions, called Front Door, and during intake. In addition, staff receive annual training about the language access requirements that include but are not limited to: the provision of interpreting and translation services at no cost to the person seeking or receiving agency services. Staff also receive regular updates about the availability of resources for interpretation and translation. “I Speak” posters are placed in the most common areas frequented by the public.

- 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, Korean, Karen, Bengali, Chinese, Russian, Haitian-Creole, Yiddish and Urdu.

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

- Telephonic voice menu providing information in non-English languages

In which languages? The OPWDD Info-Line has a voice menu in English and Spanish. Employees on the Info-Line also have access to telephonic interpretation services with the availability of more than 200 languages.

- Other (describe) OPWDD developed an informational website for the public about the availability of interpreting and translation services. There is also information about the right

to file a complaint if those services are not provided. In addition, OPWDD uses Google Translate to allow individuals to view content in languages not determined above.

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) All staff are trained to assess language needs of an individual with LEP; referrals from other organizations that determine the person's language needs; self-reporting by the individual during assessment.

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) All staff are trained to assess language needs of an individual with LEP; referrals from other organizations that determines the individual's language need; and self-reporting during assessment of the individual.

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

OPWDD records languages spoken by individuals, family members, or designees in TABS and through other record-keeping methods.

A. Oral Interpreting Services

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

For in-person encounters: OPWDD staff may use the following resources to assess language needs:

- TABS

- “I Speak” cards provided to all staff
- Bilingual staff where available
- Self-reporting by the individual
- Telephonic interpretation services

By telephone: OPWDD staff may use the following resources to assess language needs:

- TABS
- Bilingual staff where available
- Self-reporting by the individual
- Telephonic interpretation services

At initial contact in the field: OPWDD staff may use the following resources to assess language needs:

- TABS
- “I Speak” cards provided to all staff
- Bilingual staff where available
- Self-reporting by the individual
- Telephonic interpretation services

For pre-planned appointments with individuals with LEP: Staff members inquire using available resources if oral interpretation services are needed and arrange for language assistance services.

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: Staff members are trained to inform individuals, family members, or designees about the availability of interpretation and translation services. Signage of the availability of free interpreting and translation services are posted in areas frequented by the public.

By telephone: Staff members are trained to inform individuals, family members, or designees about the availability of interpreting services. Information is provided by either a bilingual staff member or through a qualified interpreter.

At initial contact in the field: Staff members are trained to inform individuals, family members or designees about the availability of interpretation/translation services. Information is provided by either bilingual staff or through a qualified interpreter.

For pre-planned appointments with LEP individuals: Staff member are trained to assess, inform, and document communication needs for individuals, family members, and designees. This information is then used to secure an interpreter and any translated document needed.

If an individual with LEP 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:

Individuals with LEP that come into contact with our agency will be informed of the availability of free interpreting services. Generally, an individual with LEP may not use a family member, friend, or a minor as an interpreter. However, **during emergencies** an individual with LEP will be permitted to use a minor, a family member or friend as an interpreter. Upon request, an individual with LEP 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 individual with LEP 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 individual with LEP is engaged in official business with the agency, the agency will provide an independent interpreter at all times. An individual with LEP 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:

The OPWDD Language Access Policy & Procedure provides guidance to employees on how to access an interpreter in a timely manner. This includes a list of resources for telephonic/in-person interpreter services and the agency's volunteer Language Bank. Employees are required to document communication needs of individuals, family members, and/or designees during initial contact. NYS GOER maintains statewide administrative contracts which include interpreter services.

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

OPWDD uses TABS data set to gather information for communication needs for individuals, family members, and/or designees. We also have available usage data from contracted vendors.

Competency and confidentiality

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

On a case-by-case basis, OPWDD uses multilingual staff volunteers who are self-assessed in their own language competency. Where OPWDD uses independent interpretation services, that vendor will implement quality assurance standards to guarantee that interpreters are trained and linguistically and culturally competent.

The OPWDD Office of Diversity, Inclusion, & Special Projects also provides cultural competence training to State employees and licensed providers, upon request.

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

All employees are trained in the Health Information Portability & Accountability Act (HIPAA) and confidentiality requirements. Furthermore, independent interpreters will enhance 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: 8 Spanish language; 1 ASL

- Bilingual staff members who provide oral interpreting when necessary

Number of staff and languages spoken:

Languages Spoken	Number of Staff
American Sign Language	2
Arabic	1
Bengali	2
Chinese (dialect not specified)	2
Chinese (Mandarin)	1
Creole	2
Filipino	1
French	2
German	2
Greek	2
Gujarati	1
Haitian-Creole	18
Hindi	6
Italian	1
Korean	5
Latvian	1

Malayalam	7
Marathi	2
Polish	1
Punjabi	1
Romanian	1
Russian	2
Spanish	67
Tagalog	2
Telugu	1
Turkish	2
Urdu	2
Urdu-Punjabi	1
Yugoslavian	1

Telephonic interpreting service

Names of vendors: Providers under the New York State 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:

Other (describe) OPWDD will continue to develop community resources by partnering with the OPWDD Multicultural Provider Association and the New York Association of Emerging and Multicultural Providers.

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:

OPWDD employees are made aware of the availability of interpreter services through:

- OPWDD Language Access Policy & Procedures;
- Annual language access training;
- OPWDD Statewide Language Access Liaisons;
- Ongoing updates and announcements about OPWDD Language Access program; and,
- OPWDD Employee Language Access Intranet resource page.

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:

OPWDD determined vital documents to be information about supports and services, and documents that require consent. These forms are available in Spanish, Chinese, Russian, Korean, Urdu, Haitian-Creole, Italian, and Yiddish, and are posted on the Language Access public Website and on the internal Intranet pages for State employees and not-for-profit licensed providers. We reassess vital documents determination based on requests from the field.

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

The OPWDD Language Access Policy and Procedure provides guidance to employees for translation and interpretation requests. Translation requests are submitted to the approved contract vendors 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:

The OPWDD Statewide Language Access Coordinator will review documents for plain language prior to translating them.

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

Document Name	Languages	
	Top 6 (Spanish, Chinese, Russian,	Additional Languages

	Haitian Creole, Korean, and Italian)	
Consolidated Assessment System (CAS) Brochure	✓	Arabic; Hebrew; Karen; Nepali; Urdu; Vietnamese; Yiddish
Front Door Informational Brochure	✓	Arabic; Bengali; Burmese; Farsi; French; Greek; Hebrew; Karen; Karenni; Nepali; Polish; Portuguese; Somali; Swahili; Urdu; Vietnamese; Yiddish
Front Door Training PowerPoint	✓	Arabic; Bengali; Burmese; Farsi; French; Greek; Hebrew; Karen; Karenni; Nepali; Polish; Portuguese; Somali; Swahili; Urdu; Vietnamese; Yiddish
Front Door Welcome Letter	✓	Arabic; Bengali; Burmese; Farsi; French; Greek; Hebrew; Karen; Nepali; Somali; Swahili; Urdu; Vietnamese; Yiddish
Front Door Guidance for Families	✓	Arabic; Bengali; Burmese; Farsi; French; Greek; Hebrew; Karen; Nepali; Polish; Portuguese; Somali; Swahili; Urdu; Vietnamese; Yiddish
Authorization Consent Form	✓	Pashto
273 BACK Revised 216	✓	Yiddish, Urdu, Karen
273 FRONT Revised 197	✓	Yiddish, Urdu; Karen
FACTS About OPWDD	✓	Yiddish, Urdu
Acronym List	✓	Arabic; Yiddish, Urdu
Aging in the Community	✓	Yiddish, Urdu
Age Out Placement Consent Form	✓	Arabic; Bosnian; Burmese; Karen; Karenni; Nepali; Portuguese; Somali; Swahili; Urdu; Vietnamese; Yiddish
Aging Services LAP	✓	Yiddish, Urdu
All Are Welcome Guide	✓	Arabic; Yiddish; Urdu; Hebrew
Annual Accounting Letter	✓	Urdu; Yiddish
Application and Package for Home of Your Own	✓	Karen; Urdu; Yiddish

Program		
Application for Participation	✓	Arabic; Urdu, Yiddish
Authorization Consent Form	✓	Urdu, Yiddish
Best Practices for People With PICA	✓	Urdu, Yiddish
BRO 503 Notice of Reimb. Change Revised 350	✓	Yiddish, Urdu
BRO 504 RP Cover Letter No change	✓	Yiddish, Urdu
Carbon Monoxide Poisoning	✓	Yiddish, Urdu
Choking Prevention	✓	Yiddish, Urdu
Citation BRO 278	✓	Yiddish, Urdu
Consent for Student	✓	Arabic; Burmese; French; Karen; Nepali; Portuguese; Somali; Urdu; Vietnamese; Yiddish
Community Habilitation: Self-Family Administration MOU	✓	Urdu; Yiddish
Cover letter for DDP	✓	Arabic; Urdu; Yiddish
CSS Brochure	✓	Urdu, Yiddish
Documentation of Choices	✓	Arabic; Urdu, Yiddish
Electric Usage and Safety	✓	Yiddish, Urdu
Eligibility: Important Facts	✓	Arabic; Urdu; Yiddish
Eligibility Transmittal Form	✓	Yiddish, Urdu, Arabic
Emergency Authorization Form	✓	Urdu; Yiddish
Employment Myth Busters	✓	Yiddish; Urdu
Estimate NYS	✓	Yiddish, Urdu
Facts About Developmental	✓	Yiddish; Urdu

Disabilities		
Faith Initiative Brochure	✓	Yiddish, Urdu
Family Care program brochure	✓	Yiddish, Urdu
Family Care Budget Sheet	✓	Urdu; Yiddish
Family Reimbursement application	✓	Yiddish, Urdu
Family Reimbursement guide	✓	Yiddish, Urdu
Family Reimbursement Respite	✓	Yiddish, Urdu
Family Supports brochure	✓	Yiddish, Urdu
Foreclosure Intake Package	✓	Arabic; Urdu; Yiddish
Health and Safety Alerts	✓	Urdu; Yiddish
Healthcare Choices	✓	Yiddish; Urdu
HIPAA Privacy Policy	✓	Arabic, Bengali; Bosnian, Karen; Nepali; Pashto; Portuguese; Somali; Swahili; Vietnamese
Housing Services	✓	Urdu; Yiddish
Lbs services agreement	✓	Urdu; Yiddish
Learning About Incidents	✓	Arabic; Croatian; Urdu; Yiddish
Liability Notices	✓	Arabic; Yiddish; Urdu
MSC Agreement	✓	Arabic; Yiddish; Urdu
MSC Forms	✓	Arabic; Yiddish; Urdu; Somali
NOD (Notice of Determination) Letter	✓	Arabic; Bengali; Burmese; French; Karen; Somali; Swahili; Vietnamese; Urdu; Yiddish
NOD DD Termination	✓	Arabic; Bengali; Burmese; French; Karen; Somali; Swahili; Vietnamese; Urdu; Yiddish

NOD HCBS Denial	✓	Arabic; Bengali; Burmese; French; Karen; Somali; Swahili; Vietnamese; Urdu; Yiddish
NOD HCBS Suspension Reduction	✓	Arabic; Bengali; Burmese; French; Karen; Somali; Swahili; Vietnamese; Urdu; Yiddish
NOD IUR Termination	✓	Arabic; Bengali; Burmese; French; Karen; Somali; Swahili; Vietnamese; Urdu; Yiddish
Notice of Privacy Practices	✓	Urdu; Yiddish
OPWDD Medicare Forms	✓	Hebrew; Yiddish, Urdu
OPWDD Language Access Complaint Form	✓	Yiddish; Urdu
OPWDD Road to Reform	✓	Yiddish, Urdu
OPWDD Payor Unpaid Balance Letter	✓	Yiddish, Urdu
Photo Consent Form and Disclosure of Public Information	✓	Yiddish; Urdu
Parent-to-Parent Brochure	✓	Arabic
PISP Letter	✓	Arabic; Karen
Preventing Dryer Fires	✓	Yiddish; Urdu
Preventing Obesity and Encouraging Healthy Living	✓	Yiddish, Urdu
Prevention of Heat-Related Illness	✓	Yiddish, Urdu
Privacy (4-page layout)	✓	Hebrew; Yiddish, Urdu
Privacy 3X5 card	✓	Hebrew; Yiddish, Urdu
Privacy Notice Letter Summary	✓	Yiddish, Urdu
Promoting Positive	✓	Yiddish, Urdu

Relationships		
Request to Change Representative Payee	✓	Yiddish, Urdu
Revision for Personal Allowance Alert	✓	Arabic; Bosnian; Urdu; Yiddish
RSFO Forms	✓	Yiddish, Urdu
Service Authorization: How to get started with OPWDD Services	✓	Arabic; Bengali; Urdu; Yiddish
Service Coordination Flyer	✓	Arabic; Burmese; French; Karen; Somali; Swahili; Urdu; Vietnamese; Yiddish
Self-Directed Services Forms	✓	Turkish; Urdu; Yiddish
Senior Companion Handbook	✓	Yiddish; Urdu
SPA Parent	✓	Yiddish; Urdu
SPA Individual	✓	Yiddish; Urdu
Spiritual Guide	✓	Yiddish; Urdu
START Program brochure	✓	Hebrew; Urdu; Yiddish
Summer Safety	✓	Yiddish; Urdu
Surge Protector and Power Strip Safety	✓	Yiddish; Urdu
Survey Introduction Letter for Translation	✓	Yiddish; Urdu
Transmittal Form and Fact Sheet	✓	Arabic; Karen; Yiddish
Waiver Info for Individuals and Families	✓	Yiddish, Urdu
What Families and Individuals Need to Know	✓	Arabic, Bosnian; Burmese; Karen; Nepali; Pashto; Portuguese; Somali;

About OPWDD Services		Swahili; Urdu; Vietnamese; Yiddish
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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:

The OPWDD, through its vendor (where applicable), 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. The OPWDD 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: Providers 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 are: Karen Galarneau, OPWDD Director of Talent Development & Training and Nicole Weinstein, OPWDD 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:

OPWDD staff are trained about OPWDD Language Access Policy and Procedure in the following manner:

- At orientation
- Mandatory language access annual training
- Staff development training, and
- Monthly educational Webinars.

PART 6 – ADMINISTRATION

Monitoring

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

OPWDD Statewide Language Access Coordinator meets regularly with liaisons to assess the implementation of the agency's Language Access Plan (LAP). The LAP will be monitored and updated annually as needed.

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:

OPWDD displays information on the right to file a complaint, and the procedure to file a complaint, in the identified six languages on signs posted throughout the agency. Information is also made available via OPWDD's Website and at our offices. The OPWDD Language Access Policy and Procedures further describe the complaint process and is made available for all employees.

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

The following from the OPWDD Language Access Policy and Procedures describes the complaint process:

Members of the public have the right to access services regardless of their ability to speak, read, and/or write English. OPWDD has established the following complaint process for individuals, guardians, and/or family members. This process includes complaints filed in person, by telephone, by mail or by email. The complaint form is available in Arabic, English, Spanish, Chinese, Korean, Russian, Italian, Haitian-Creole, Urdu and Yiddish.

All received complaints must be forwarded to the OPWDD Office of Diversity, Inclusion & Special Projects Language Access Coordinator (LAC) for investigation. This includes complaints received by designated LACs and staff at the DDSOO/DDROs.

The LAC at Central Office is responsible for investigating the Language Access complaints. Once a complaint has been filed, the LAC is responsible for sending an acknowledgement letter to the complainant within 14 business days from the receipt of the complaint. The acknowledgement letter will initiate the complaint process, which will be completed within 60 business days. LACs collaborate with the DDSOO/DDRO employees to investigate complaint allegations. A determination with findings and recommendations, if appropriate, will be submitted to OPWDD Counsel's Office and the respective director(s). Recommendations may include, but are not limited to: staff training, the development of a language access plan tailored to a specific location, the provision of additional resources, and/or an individualized plan. All staff will be trained on the complaint process.

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

PART 7 - SIGNATURES

Helene DeBarto Acting Exec. Dep. Commissioner 4/25/2017
Head of Agency Title Date

Nicole Weinstein Ast. Director 4/28/17
Agency LAC Diversity + Inclusion Date
Title

Norma Ramon May 25 2017
Deputy Secretary for Civil Rights Date