

LANGUAGE ACCESS PLAN FOR LEP INDIVIDUALS

State Agency: Office of People With Developmental Disabilities

Effective Date of Plan: May 9, 2016

Language Access Coordinator (LAC): Nicole Weinstein

LAC Phone / E-mail: (518) 402-4244 / nicole.weinstein@opwdd.ny.gov

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 New York State Office for People With Developmental Disabilities (OPWDD) provides services for 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 nonprofit service providers, with about 80 percent of services provided by not-for-profit provider agencies, and 20 percent provided by state-run services.

OPWDD strives to assist people with developmental disabilities to enjoy meaningful relationships, experience personal health and growth, live in the home of their choice and fully participate in their communities. Compassion, dignity, diversity, excellence and honesty are the values we embrace as we pursue our mission. OPWDD also provides leadership and excellence in the field of research and in developing public policy in the field of developmental disabilities.

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: OPWDD serves approximately 130,000 individuals with developmental disabilities. It is estimated that 2% of New Yorkers have developmental disabilities.

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: The Governor's office.

- Other (describe) We will continue to collaborate with OPWDD's Statewide Language Access Liaison Committee to determine the language needs in 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 LEP individuals as follows:

OPWDD documents communication needs during the initial assessment and eligibility determination for services and supports. The communication needs are captured in the Tracking and Billing System (TABS) data set. Communication services are built into an ascribed service plan that includes regular and continual supports 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? 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. In addition, "I Speak" posters are posted 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, Chinese, Italian, Russian, French (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. During business hours, Spanish bilingual staff are available to assist callers. Employees on the Info-line also have access to telephonic interpreting services with the availability of more than 200 different languages.

Other (describe) OPWDD developed an informational website for the public about the availability of interpreting and translation services in Spanish, Russian, Chinese, French (Haitian) Creole, Italian, Korean, Urdu and Yiddish. There is also information about the right to file a complaint if the services are not provided. In addition, OPWDD also 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 a LEP individual
 - Referrals from other organizations that determines the individual's language need
 - Self-reporting during assessment by the individual

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 a LEP individual
 - Referrals from other organizations that determines the individual's language need
 - Self-reporting during assessment by 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 designee in TABS and other record-keeping methods.

A. Oral Interpreting Services

Our protocol(s) for assessing whether an LEP individual 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 interpreting 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 interpreting 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 interpreting services

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

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

For pre-planned appointments with LEP individuals: Staff members 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 documents needed.

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:

Individuals with Limited English Proficiency who come into contact with our agency will be informed of the availability of free interpreting services. Generally, a person with limited English proficiency 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 limited English proficiency 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 limited English proficiency 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:

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

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

OPWDD uses the TABS data set to gather information for communication needs for individuals, family members, and/or designee. 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 interpreting services, that vendor will implement quality assurance standards to guarantee that its interpreters are trained and are linguistically and culturally competent.

The OPWDD Division of Workforce Talent Management (WTM) also provides cultural competence training to State employees and licensed providers.

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

All employees are trained on Health Information Portability & Accountability Act (HIPAA) and confidentiality requirements. 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

Bilingual staff members who are available to provide oral interpreting will be asked to register with the Language Access Coordinator. A Language Bank will be maintained as part of OPWDD's Language Access Plan.

- Bilingual staff members who provide oral interpreting when necessary

Number of staff and languages spoken:

Language Spoken	Number of Staff	Language Spoken	Number of Staff
American Sign Language	1	Mandarin Chinese	1
Arabic	1	Marathi	2
Bengali	2	Polish	1
Chinese	3	Punjabi	1

Creole	2	Romanian	1
French	11	Russian	5
German	2	Spanish	64
Greek	2	Tagalog	23
Gujarati	1	Telugu	1
French (Haitian) Creole	18	Turkish	1
Hindi	5	Urdu	2
Italian	1	Urdu - Punjabi	1
Korean	6	Yoruba	1
Latvian	1	Yugoslavian	1
Malayalam	8		

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 Multi-Cultural 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 and Procedures;
- Annual language access training;
- OPWDD Statewide Language Access Liaisons;
- Ongoing updates and announcements about the 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 services and supports, 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 internal Intranet pages for State employees and not-for-profit licensed providers.

The OPWDD Language Access Policy and Procedures also provide guidance to employees for additional translation requests that may include other languages or additional documents.

The OPWDD Statewide Language Access Liaison Committee will regularly monitor the OPWDD Language Access Policy and Procedures.

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

The OPWDD Language Access Policy and Procedures provides guidance to employees for translation requests. Translation requests are submitted to the approved contracted 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 Liaison Committee will review documents prior to translating for plain language.

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

The chart below is a list of vital documents available in Spanish, Chinese, French (Haitian) Creole, Russian, Yiddish, Urdu, Korean, and Italian

Documents
273 BACK Revised.doc 216
273 FRONT Revised.doc 197
About OPWDD
Acronym %20 List
Aging in the Community
Aging Services LAP
All are Welcome Guide Final
Annual Accounting letter Revised.doc 203
Application for Home of Your Own Program.doc 3,796
Application for participation.doc 148
Authorization Consent Form
Best Practices for People with PICA
BRO 504 Notice of Reimb Change Revised.doc 350
BRO 504 RP Cover Letter No change.doc 217
Carbon Monoxide poisoning
Choking prevention
CITATION BRO-278 No change.doc 272
Community Habilitation Self-Family Admin MOU.doc 1,032

Consent for Student
CSS Bro layout
Documentation of choices 0.doc 139
Electric usage and safety
Eligibility important facts 1.doc 1,187
Eligibility transmittal form.doc 1,047
EmergencyAuthorization Form.doc 103
Employment Myth Busters
Estimate - NYS
<u>Facts about Developmental Disabilities</u>
<u>Facts About OPWDD</u>
Faith Initiative
Family care
Family Care Budget Sheet - Form 330 Revised.doc 162
Family Reimbursement application
Family Reimbursement guide
Family Reimbursement respite
Family supports
FD Cover Letter
Foreclosure_intake_package pdf.doc 2,166
Frontdoor booklet
Frontdoor Information Session Survey
Health and Safety Alerts
Health care choices

HIPAA Privacy Policy
Housing services
HOYO_Application_Package pdf.doc 7,597
Ibs_services_agreement.doc 570
Learning about Incidents
Liability notice_liab02 No change.doc 1,088
Liability notice_liab05 No change.doc 1,098
Liability notice_liab06 No change.doc 1,031
Liability notice_liab07 No change.doc 837
Liability notice_liab08 No change.doc 1,150
Liability notice_liab09 No change.doc 384
Liability notice_liab10 No change.doc 529
MSC_Agreement_10-1-10_Final.doc 1,227
Msc1_0001.doc 746
Msc1 Appl CRT
Msc2.doc 478
Msc3 fix hsbs.doc 998 revised 9-13
MSCS-MSCA for 10-1-12
MSCS-3 with Revised Sept 2013
Msc7.doc 1,196
Msc9.doc 431
NOD_DD Termination.doc 1,387
NOD_HCBS Denial.doc 1,042
NOD_HCBS SuspenReduct.doc 1,225

NOD IUR Termination.doc 1,217
OPW Medicare - 1 Beneficiary Appointment Form
OPW Medicare - 2 Guardian Appointment Form
OPW Medicare - 3 Parent Appointment Form
OPW Medicare - 4 Appointment Form
OPW Medicare - 5 Authority Form (Residential Facility) revised 9-13
OPW Medicare - 6 Authority Form (Not Living in Residential Facility)
OPW Medicare - 7 Authority Form (Other Beneficiary Receiving MSC) revised 9-13
OPWDD Language Access Complaint Form
OPWDD Road to Reform
Outside Payor Unpaid Balance Letter
Photo Consent Form and Disclosure of Information for Publication
Preventing Dryer Fires
Preventing Obesity and Encouraging Healthier Living
Prevention of Heat-Related Illness
Privacy 4 page layout
Privacy Card
Privacy Notice Letter Summary
Promoting Positive Relationships
Request to Change Representative Payee

RSFO 263 Form No Change
RSFO 557 Form LTR No Change
RSFO 557A Form LTR No Change
RSFO VA INFO Request Revised
Self Directed Services
Senior Companion Handbook
SPA_PARENT
SPA_INDIVIDUAL
Spiritual Guide
Summer Safety
Surge Protector and Power Strip Safety
Survey Introduction Letter for Translation
Waiver Info for Individual and Family
What Families and Individuals Need to Know

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

OPWDD, 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. 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 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:

- 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: 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
- 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 Liaison Committee will meet regularly to assess the implementation of the agency's Language Access Plan (LAP). The LAP will be monitored and updated annually.

Complaints

We provide information to the public, including to individuals with limited English proficiency 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:

We display information on the right to file a complaint, and the procedures to file a complaint, in the identified six languages on signs posted throughout the agency. Information is also made available

via the OPWDD's website. We make the standard complaint form available in all six languages on our website and at our office. The OPWDD Language Access Policy and Procedures further describes 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 insert 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 email. The complaint form is available in English, Spanish, Chinese (Simplified), Korean, Russian, Italian, Haitian (Creole), Urdu and Yiddish on the internet page <http://www.opwdd.ny.gov/resources/language-access/complaint-form>.

All received complaints must be forwarded to the Office of Diversity, Inclusion, and Special Projects Language Access Coordinator (LAC) for investigation. This includes complaints received by designated LACs and staff at the DDSOO/DDRO. Please send complaints to OPWDD.sm.LEP.Complaints@opwdd.ny.gov.

The LAC at the Central Office will be responsible for investigating all Language Access complaints. Once a complaint has been filed, the LAC is responsible for sending an acknowledgement letter to complainant within 14 business days from the receipt of the complaint. Acknowledgment letter of the complaint will initiate the complaint process, which shall be completed within 60 business days. LACs shall collaborate with 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 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.

