

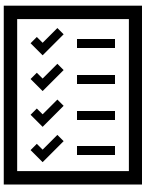
LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

State Agency: New York State Office for The Aging

Effective Date of Plan: August 1, 2021

Language Access Coordinator: Colleen Scott

LAC Phone / E-mail: (518) 549-8946 / Colleen.scott@aging.ny.gov



This document is our agency’s **Language Access Plan**.

A **Language Access Plan** explains how we provide services to people who have limited English proficiency.

This **Language Access Plan** includes information about:






	The Limited English Proficient (“LEP”) population in our service area.
	How we notify the public about language access services.
	Our resources and methods for providing language access services.
	How we train our staff to provide language access services to the public.
	How we monitor language access services and respond to complaints.

Table of Contents

PART 1 – Our Agency’s Services	3
PART 2 – The Limited English Proficient Population in Our Service Area.....	5
PART 3 – Public Outreach About the Availability of Language Access Services ...	6
PART 4 – Provision of Language Access Services	7
PART 5 – Staff Training.....	14
PART 6 – Monitoring the Plan and Responding to Complaints	14
PART 7 – Signatures.....	17



PART 1 – Our Agency’s Services

We prepared this Language Access Plan (“Plan”) to comply with Executive Order No. 26, as amended by Executive Order No. 26.1, which established New York’s [Statewide Language Access Policy](#).¹ This Plan explains how we make sure that Limited English Proficient (“LEP”) individuals have meaningful access to agency services, programs, and activities.

In this Plan, LEP individuals are understood as people who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.

Our agency’s services to the public include:

The New York State Office for the Aging (NYSOFA) is part of the Executive Department in New York State and is the designated State Agency under the federal Older Americans Act (OAA) of 1965, as amended. As the State Agency, NYSOFA is responsible for developing and administering a multi-year statewide Plan for Aging services and serves as the primary advocate for older adult residents in New York State. The mission of NYSOFA is to help older New Yorkers to be as independent as possible for as long as possible through advocacy, development and delivery of person-centered, consumer-oriented, and cost-effective policies, programs, and services which support and empower the older adult and their families, in partnership with the network of public and private organizations which serve them.

As required under the OAA, NYSOFA divides the State into planning and service areas (PSA) and designates an Area Agency on Aging (AAA) within each area. Each AAA is required to complete and submit a Four-Year Plan and Annual Updates, which describe how OAA and State funds will be allocated for specific programs targeted to the older population. Upon approval of an Area Plan, NYSOFA approves distribution of OAA and State funds based on an approved federal funding formula. NYSOFA monitors the implementation of the AAA Plans, conducts fiscal reviews, and provides technical assistance and training to the AAAs to ensure compliance with the requirements as well as the goals and objectives outlined to serve the needs of older adults at the local level.

The majority of direct programs and services for older adults in NYS are administered and provided through the local Area Agencies on Aging (AAAs), described above, which receive federal and state funds through NYSOFA. In these programs, preference is given to older adults with the greatest economic or social need. There are 59 local AAAs which serve each county, the City of New York, and the St. Regis Mohawk Indian Reservation and the Seneca Nation of

¹ For additional information about our agency’s obligations to provide language access services, please visit: <https://www.ny.gov/language-access-policy>

Indians, which includes the Cattaraugus and Allegany Reservations. These are the only Indian Reservations with offices for the aging east of the Mississippi. Most AAAs in New York are local governmental entities; however, in a few cases, the designation of an AAA is held by a local nonprofit.

NYSOFA's primary role is to administer funding for various Titles under the Federal Older Americans Act of 1965 as amended, and for a variety of state-funded programs which serve the older adult. NYSOFA performs other key policy and administrative functions which include: Advises and assists the Governor to develop policies to help meet the needs of older New Yorkers and to encourage their full participation in society; Coordinates State programs and services for older adults; Stimulates community interest in problems faced by older adults; Promotes public awareness of resources available for older adults and their caregivers; Ensures the development of local programs; and Fosters and supports studies, research and education on the older adult population.

NYSOFA has responsibilities in providing limited direct service to the public and/or materials used in the statewide Aging Network of locally directed service providers, as follows:

NY Connects is NYS's Aging and Disability Resource Center/ No Wrong Door for long term services and supports. NY Connects, provides comprehensive information and assistance to individuals of any age in need of long term services and supports and to informal caregivers and helping professionals. NY Connects also provides Options Counseling/Person Centered Counseling for those needing more support as they weigh options. It is available to assist individuals and families seeking private pay, Medicaid and other publicly funded services. Individuals with long term service and support needs can contact NYSOFA through a toll-free telephone number. There is an automated menu of choices which will connect the caller directly to the county in which they seek assistance, but people can opt to speak to a person at NYSOFA. The messages have been translated into the required six languages. If an individual with limited English proficiency calls, and is unsuccessful with navigating the automated system, the person is connected to NYSOFA staff who connects them to an interpreter through Language Line.

The Long Term Care Ombudsman Program (LTCOP) is a federal advocacy program dedicated to protecting the rights of individuals living in long term care facilities. The Office of the State Long Term Care Ombudsman is an independent office administratively housed at NYSOFA. The State Ombudsman supervises Regional Ombudsman Coordinators who serve all communities throughout the State. Regional Ombudsman programs are regional and are sponsored either by AAAs or other qualified organizations. The heart of the Long Term Care Ombudsman Program is the corps of specially trained and certified citizen-volunteer ombudsmen. Many volunteers are retired professionals from various fields. Ombudsmen spend an average of two to four hours a week in each assigned facility, advocating for the residents. NYSOFA LTCOP staff has frequent contact with the public.

The Health Insurance Information, Counseling and Assistance Program (HIICAP) receives federal funds to operate a statewide network of local programs which educate the public about

Medicare, Medicaid, managed care, EPIC, and other health insurance options and issues; assist Medicare beneficiaries of all ages to review plan options and to apply for programs such as the Medicare Savings Programs. Additionally, there is an automated HIICAP Helpline which directs callers to local assistance in answering health insurance related questions. Consumers occasionally contact NYSOFA’s HIICAP staff for assistance.



PART 2 – The Limited English Proficient Population in Our Service Area

Our agency uses U.S. Census data (including data from the American Community Survey) to determine the top ten languages most commonly spoken by LEP individuals in New York State.

The estimated total number of LEP individuals in our service area is: Approximately 2.5 million LEP individuals in New York State.

The top ten languages spoken by LEP individuals in New York State are:

#	Language	Estimated Number of LEP Speakers
1	Spanish	1,201,322
2	Chinese	379,745
3	Russian	119,380
4	Yiddish	64,070
5	Bengali	64,020
6	Korean	55,506
7	Haitian Creole	54,746
8	Italian	46,431
9	Arabic	40,781
10	Polish	34,840

Our agency will reassess the public’s language needs at least every two years after the effective date of this Plan.

Our agency tracks encounters with LEP individuals in the following ways:

Our agency receives information on the number of calls which require language assistance from our provider of telephonic interpretation services and has an internal logging mechanism through the telephone software as well.



PART 3 – Public Outreach About the Availability of Language Access Services

Our agency informs LEP individuals about their right to free language assistance services in the following ways, using at least the top ten languages shown in Part 2 of this Plan:

- LEP individuals are directly informed by our staff

In which ways? Although in-person encounters are rare, all NYSOFA staff are trained and have access to the agency’s contracted telephonic interpretation vendor to help inform LEP individuals about their right to free language services. The “I Speak” tool, which informs the public of the availability of free language services, is also utilized. Any staff person in the field can utilize this service to assist a member of the public with a concern related to aging services. Additionally, all NYSOFA direct programs have information on accessing services for individuals with LEP included in their literature, brochures, websites, etc. Both the HIICAP and NY Connects toll free telephone lines are staffed at NYSOFA by frontline staff who access interpreters as needed for individuals with limited English Proficiency.

- Signs posted about language assistance services
 - In areas operated by the agency and open to the public
 - Other (describe)

- Information is published on our agency’s website in at least the top ten languages spoken by LEP individuals in New York State

- 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

What are the LEP populations targeted?

- Social media posts directed at LEP individuals in their languages

What are the LEP populations targeted?

- Telephonic voice menu providing information in non-English languages

In which languages? Currently Spanish, Chinese, Russian, Bengali, Haitian Creole, and Korean.

- Other (describe)

NYSOFA’s toll-free NY Connects number appears in many federal, state, and local publication materials with a brief narrative about information and assistance, person centered counseling and application assistance services. Materials and information

offered advertise the toll-free NY Connects telephone line, which includes a notice of the availability of free interpreting services. The free language assistance notification has been added to NYSOFA’s website.



PART 4 – Provision of Language Access Services

A. Determining the Need for Services

During *in person* encounters, our agency uses the following tools to determine whether an individual is LEP, and what their primary language is:

- “I Speak” posters or visual aids that provide information about free interpreting services in multiple languages
- Reception staff make those determinations based on training and experience
- Bilingual staff members, where available, assist in identifying LEP individual’s language
- Other (describe) The occurrence of in-person encounters at NYSOFA is less than 1 per quarter. In the event that an LEP consumer requires in-person assistance, NYSOFA’s administrative staff have been trained to offer free interpreting services by using the “I Speak” poster/card and accessing contracted telephonic interpreters to assist the consumer.

On *telephone calls*, our agency uses the following tools to find out if an individual is LEP, and what their primary language is:

- Reception staff make those determinations based on training and experience
- Bilingual staff members, where available, assist in identifying an LEP individual’s language
- Telephonic interpreting service
- Other (describe) When the encounter is by telephone through the 1-800 toll-free NY Connects or other telephonic resources for assistance, the staff have been trained to assess the language needs of the caller and connect the caller to an interpreter. If they cannot identify the specific language needed, staff will connect to the interpreting service for assistance and use their professionally trained interpreters to complete the call per usual agency protocol.

Our agency’s protocols for assessing whether an individual needs *oral interpreting* services in different service situations is as follows:

- During office in-person encounters:** The occurrence of in-person encounters is less than 1 per quarter. In the event that a consumer does not appear to understand information provided or appears unable to communicate their needs clearly enough for staff to provide service,

administrative staff have been trained to offer and provide free interpreting services using their “I Speak” poster/card and access to contracted interpreters to assist the consumer.

At initial contact in the field: The occurrence of in-person encounters is less than 1 per quarter. In the event that a consumer does not appear to understand information provided or appears unable to communicate their needs clearly enough for staff to provide service, administrative staff have been trained to offer and provide free interpreting services using their “I Speak” poster/card and access to contracted interpreters to assist the consumer.

When speaking on the telephone: When the encounter is by telephone through the toll-free NY Connects or other telephonic resources for assistance, staff have been trained to assess the needs of the caller and connect the caller to an interpreter. In the event that a consumer does not appear to understand information provided or appears unable to communicate their needs clearly, staff will contact the vendor for assistance and use the professionally trained interpreter to complete the call per usual agency protocol.

For pre-planned appointments with LEP individuals: NYSOFA provides very few services directly to the public and those that are provided are not generally pre-planned. In the event there was a pre-planned appointment with an individual with LEP, telephonic or in person interpretation services would be arranged.

Other (describe):

Our agency records and maintains documentation of each LEP individual’s language assistance needs as follows:

Our contracted vendor provides NYSOFA with an ongoing summary of frequency of use, type of interpreting service provided and costs by program areas. Internal call logging systems at NYSOFA also maintain this information should cross referencing be necessary.

B. Oral Interpreting Services

Our agency has made the following resources available for oral interpreting requests:

Bilingual staff members who work directly with LEP individuals

Number of staff and languages spoken:

Bilingual staff members who provide oral interpreting services on a volunteer basis

Number of staff and languages spoken:

Telephonic interpreting service

Name of vendors: Any vendor under the NYS OGS Statewide Administrative Services contract.

Contracts or other arrangements with school and community organizations

Number of staff and languages spoken:

Other (Describe)

Our agency protocols for informing LEP individuals that free interpreting services will be provided and that they do not need to provide their own interpreters is as follows:

During office in-person encounters: The occurrence of in-person encounters at NYSOFA is rare, but staff are aware of how to contact the contracted telephonic interpreting vendor and then convey that the person is entitled to free interpretation services at no cost to them.

At initial contact in the field: The occurrence of in-person encounters in the field by NYSOFA staff is rare, but staff are aware of how to contact the contracted telephonic interpreting vendor and then convey that the person is entitled to free interpretation services at no cost to them.

When speaking on the telephone: When the encounter is by telephone staff have been trained to assess the needs of the caller and connect the caller to an interpreter and inform the individual that free interpretation services are available to them.

For pre-planned appointments with LEP individuals: The occurrence of preplanned encounters by NYSOFA staff is rare, but staff are aware of how to contact contracted telephonic interpreting vendor and then convey that the person is entitled to free interpretation services at no cost to them.

Other (describe):

Our agency's protocols for obtaining interpreting services in a timely manner is as follows:

NYSOFA's account with the contracted telephonic interpreting vendor enables callers to NYSOFA's NY Connects, HIICAP and LTCOP lines to have access to interpreters in a timely manner.

If an LEP individual insists on using a family member, friend, or other person as an interpreter, our protocols for deciding 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 non-medical emergencies an LEP individual may be permitted to use a minor, a family member or friend as an interpreter. Planning and implementation will occur to minimize this from happening. 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 or matters of health and safety.

Our agency provides information to all staff members who have contact with the public about how to obtain oral interpreting services. Our protocol in this regard is as follows:

Training is provided annually through electronic GOER monitored training. Additionally, the Language Access Coordinator provides in person training when staff are onboarded and provides refresher trainings to all agency staff on an annual basis. All frontline staff are well versed in how to provide appropriate assistance to individuals whose primary language is not English and have access to the Language Access Coordinator to discuss any questions or concerns as they arise.

The agency’s Language Access Coordinator (“LAC”) maintains a list of oral interpreting resources that are available to staff. This resource list 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 an LEP individual’s primary language
- Languages in which each interpreter or service is qualified
- Procedures for accessing each interpreter or service

Our agency records and maintains documentation of oral interpreting services provided to LEP individuals at each encounter. Our protocol in this regard is as follows:

The contracted telephonic interpreting service provides thorough records on frequency of use, languages spoken, and costs associated with service. Computer software utilized by frontline staff is maintained and reconciled with the vendor’s records as necessary.

Cultural Competence and Confidentiality

Our agency makes sure interpreters are culturally competent² in the following ways:

Where NYSOFA utilizes independent interpreting services, that vendor will implement quality assurance standards to guarantee that its interpreters are trained and are linguistically and culturally competent.

Our agency makes sure interpreters follow state and federal confidentiality protocols in the following ways:

² Cultural Competence is defined as *a set of congruent behaviors, attitudes, and policies that come together in a system or agency or among professionals that enables effective interactions in a cross-cultural framework.* U.S. Department of Health and Human Services, Office of Minority Health. 2000. Assuring Cultural Competence in Health Care: Recommendations for National Standards and an Outcomes-Focused Research Agenda. Extracted from: https://minorityhealth.hhs.gov/Assets/pdf/checked/Assuring_Cultural_Competence_in_Health_Care-1999.pdf

Independent interpreters will enforce standards of confidentiality in accordance with NYS Law. All contracted interpreting services sign a confidentiality agreement and are bound by a strict code of ethics ensuring that all information pertaining to services rendered remains strictly confidential. The vendor’s policies require interpreters to destroy any notes made during sessions as well.

C. Translations of Documents

At least every two years after the effective date of this Plan, our agency determines and reassesses vital documents (including website content) that must be translated. This process is accomplished in the following ways:

NYSOFA’s Language Access Coordinator has regular communication with the Executive Management Team to identify any new or existing vital documents to be translated pursuant to the Executive Order. Additionally, a Vital Documents Review Committee has been convened to determine if any new programmatic initiatives may produce a vital document which would require translation.

Our agency’s process for making sure documents are written in plain language³ before they are translated into other languages is as follows:

NYSOFA’s Public Information Unit is used to develop and edit materials produced by the agency for public use. As a standard, written materials produced by the agency are written to a grade school to middle school level.

Our agency has the following resources available for translation of documents:

- Contracts with vendors for translation services
Names of vendors: Lingualinx and potentially any vendor under the NYS OGS Statewide Administrative Services Contract.
- Contracts or other arrangements with schools and community organizations
Names of schools/organizations and languages:
- Translation of documents by bilingual staff members
- Other (describe)

The agency’s Language Access Coordinator (“LAC”) maintains a list of translation resources that are available to staff. This resource list includes:

- Names and contact information for all resources
- Names and locations of staff members who are available to provide translations of documents

³ The [Plain Writing Act of 2010](https://www.govinfo.gov/app/details/PLAW-111publ274) defines plain language as writing that is clear, concise, well-organized, and follows other best practices appropriate to the subject or field and intended audience. Extracted from: <https://www.govinfo.gov/app/details/PLAW-111publ274>

- Languages in which each translation service is qualified
- Procedures for accessing each translation service

Our agency translates documents that LEP individuals submit in their primary languages in a timely manner. Our protocol in this regard is as follows:

NYSOFA utilizes the translation services offered by our contracted vendor. The same process is used for any hand-written correspondences that are sent to us with request for assistance. In all cases, if a phone number is provided as requested, then telephonic interpreting services would be used to call the person and address their needs by phone in a prompt fashion.

The following non-exhaustive list of documents are currently translated by our agency in the languages indicated:

In compliance with Executive Order 26.1, our agency will complete translations of the below list of documents in the newly added top languages (Arabic, Italian, Polish, and Yiddish) by August 1, 2022.

- *AR: Arabic*
- *BE: Bengali*
- *CH: Chinese*
- *HA: Haitian-Creole*
- *IT: Italian*
- *KO: Korean*
- *PO: Polish*
- *RU: Russian*
- *SP: Spanish*
- *YI: Yiddish*

Name	Top Ten Languages										Additional Languages
	AR	BE	CH	HA	IT	KO	PO	RU	SP	YI	
LTCOP Brochure		✓	✓	✓	✓	✓		✓	✓	In process	
LTCOP Authorization and Waiver of Confidentiality		✓	✓	✓	✓	✓		✓	✓	In process	
LTCOP Adult Home Rights Poster		✓	✓	✓	✓	✓		✓	✓	In process	
Ny Connects Brochure		✓	✓	✓	✓	✓		✓	✓	In process	

Informed Consent at Aging Services		✓	✓	✓	✓	✓	✓	✓	✓	In process	
Informed Consent at NY Connects		✓	✓	✓		✓		✓	✓	In process	
Informed Consent at NY Connects Follow up		✓	✓	✓		✓		✓	✓	In process	
Informed Consent at Aging Services Follow up		✓	✓	✓		✓		✓	✓	In process	
Informed Consent Revocation Form		✓	✓	✓		✓		✓	✓	In process	
EISEP Client Hearing		✓	✓	✓		✓		✓	✓	In process	
EISEP Client Rights		✓	✓	✓		✓		✓	✓	In process	
EISEP Client Agreement		✓	✓	✓		✓		✓	✓	In process	
HICAAP Brochure		✓	✓	✓		✓		✓	✓	In process	Arabic, Burmese, Italian, Nepali, Ukrainian and Uzbek

New documents identified for translation after the signing of this Plan and before the 2-year reassessment will be translated in a timely manner.

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

NYSOFA, through its vendor(s) (where applicable), ensures 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. NYSOFA also ensures that plain language is used in

materials produced before translation to ensure information is accessible to a range of literacy levels.



PART 5 – Staff Training

The person in the agency who is responsible for training staff in language access services is:
Colleen Scott, Language Access Coordinator.

The staff training includes the following components:

- The agency’s legal obligations to provide language access services
- The agency’s resources for providing language access services
- How to access and work with interpreters
- Cultural competence and cultural sensitivity
- How to obtain translation services
- Maintaining records of language access services provided to LEP individuals

The methods and frequency of training are as follows:

Language access training is provided for all NYSOFA’s staff using the standardized curriculum developed and provided by the Governor’s Office of Employee Relations (GOER). The LAC is the lead trainer. The mandatory language access training occurs annually. Refresher courses and new staff training will be given as needed.



PART 6 – Monitoring the Plan and Responding to Complaints

A. Monitoring

Our agency’s Language Access Coordinator (“LAC”) will monitor implementation of the Plan to make sure we are in compliance. Our protocols in this regard are as follows:

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

- Ensure the mandatory GOER annual training, as well as any refresher trainings, are completed by staff; and
- The LAC will review each relevant program area’s compliance with the Language Access Plan biannually.
- The Vital Documents Committee meets on an ongoing basis to ensure any public document is reviewed to determine if it is a vital document. If so, the LAC coordinates translating the document into the top 10 languages.

B. Complaints

We provide information to the public in at least the top ten most commonly spoken non-English languages in the state, advising members of the public of their right to file a complaint if they feel that they have not been provided adequate language access services or have been denied access to services because of their limited English proficiency. We do not retaliate or take other adverse action because an individual has filed a language access complaint.

We display information on the right to file a complaint, and the procedures for filing a complaint, in the following manner:

The standardized complaint forms, along with the procedures for filing a complaint, are available in all ten languages in our public offices upon request. The complaint forms are also available for download or online submission through our website. Additionally, information on the right to file a complaint is posted in the top ten languages on our website and in our offices in areas where it can be easily seen by the public.

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

NYSOFA's General Counsel receives and investigates such complaints or oversees a designee in conducting the investigations. Telephonic interpreting services are utilized during the investigatory process to ensure linguistic accessibility for all complainants who have LEP.

Any applicant for, or recipient of, benefits and services or any potential applicant for, or potential recipient of, benefits or services funded by NYSOFA, who is not satisfied with the language access services provided by NYSOFA may file a complaint by contacting NYSOFA as follows:

- Use the Language Access Complaint Form for complaints about language assistance found on the NYSOFA's website under Language Access.
- Submit completed complaint form as follows:
 - By mail or email to: New York State Office for the Aging, ATTN: Office of the General Counsel, 2 Empire State Plaza, Agency Bldg. 2, 5th Fl., Albany, NY 12223.
 - Email to languagaccess@aging.ny.gov.
 - Include name, address, and phone number on the complaint. Complaints may be submitted in English or in another language.
 - Complaints may also be filed by calling the NYSOFA NY Connects line at 1-800-342-9871. Free interpretation and language assistance are available.

NYSOFA will process complaints as follows:

- NYSOFA will conduct an investigation.
- The investigator will prepare a report for the NYSOFA Director.
- The NYSOFA Director will make a final decision.

- NYSOFA will send the complainant a letter with the Director’s decision with copies to the program named in the complaint.
- NYSOFA will generally send the decision letter within 90 days from the receipt of the complaint.

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

PART 7 – Signatures



Acting Director

7/29/2021

Head of Agency

Title

Date

LAC Alternate

7/29/21

Agency LAC

Title

Date

Deputy Secretary for Civil Rights

7/30/2021

Date