

## FACT SHEET: Limited English Proficiency

- **LEP people should be able to access the programs, services and information that are provided by the Federal Government and those providers who receive government funds, and cannot be excluded from accessing programs, services and information.** This right is protected by Title Six of the Federal Civil Rights Act from 1964 which states:
 

*“No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”*
- **The U.S. Department of Health and Human Services’ Office of Civil Rights and the Office of Minority Health have issued guidance and standards for complying with this law. The following entities, for example, are required to comply:**
  - Hospitals, nursing homes, home health agencies, and managed care organizations.
  - State, county, and local health agencies.
  - State Medicaid agencies.
  - State, county and local welfare agencies.
  - Programs for families, youth, and children.
  - Head Start programs.
  - Public and private contractors, subcontractors and vendors.
  - Physicians and other providers who receive Federal financial assistance from HHS.
- **Qualifying entities must ensure “meaningful access” – effective communication – to LEP people.**
  - Vital documents should be translated and/or interpreted, such as intake forms, notice of the right to translation/interpretation, eligibility notices, consent forms.
  - Tests that do not assess English skills, but test for skills that do not require English, should be translated.
  - ***LANGUAGE ASSISTANCE MUST BE FREE TO LEP PEOPLE.***
- **Language Assistance – What To Do and What Not to Do**
  - Hire staff interpreters where there is a need for one or more languages regularly.
  - Contract with interpreters as needed.
  - Use telephone interpreter lines. Phone services are not sufficient as the only assistance unless other options are not available.
  - Use community volunteers.
  - Family and friends should not be interpreters, unless requested by a client and competency is tested.
  - Do NOT use children as interpreters.

(OVER)

## COMPLIANCE

- **To ensure compliance, all qualifying entities should:**
  - Assess the language needs of the population served.
  - Develop a comprehensive written LEP policy to address those needs, including strategies for oral and written translation.
  - Train staff regarding LEP policy.
  - Actively monitor compliance.
  
- **If you feel that a qualifying provider, or state or local government agency, has discriminated against you based on LEP laws and regulations, you may file a civil rights complaint. Requirements:**
  - The complaint must be filed in writing, either on paper or electronically, by mail, fax or e-mail.
  - The complaint must name the provider and describe the acts or omissions that you believe violated the civil rights laws or regulations.
  - Be filed within 180 days of when you knew the act or omission occurred.
  - File a Georgia-based complaint with:
    - DHHS Office of Civil Rights, Region IV - Atlanta**
    - Roosevelt Freeman, Regional Manager Office for Civil Rights U.S.
    - Department of Health and Human Services Atlanta Federal Center, Suite 3B70 61 Forsyth Street, S.W. Atlanta, GA 30303-8909
    - Voice Phone (404)562-7886 FAX (404)562-7881 TDD (404)331-2867

## SOURCES & RESOURCES

Translation and Interpretation:

- [http://www.lep.gov/interp\\_translation/trans\\_interpret.html](http://www.lep.gov/interp_translation/trans_interpret.html)
- Language Line Services: <http://www.languageline.com>  
AT&T call number: **831-648-7582**

The Office of Civil Rights – Limited English Proficiency Guides:

<http://www.hhs.gov/ocr/civilrights/resources/specialtopics/lep/index.html>

For a detailed policy guide on providing services to LEP individuals:

<http://www.hhs.gov/ocr/civilrights/resources/specialtopics/lep/policyguidancedocument.html>

The Office of Civil Rights has created a website to help that is available to hospitals nationally and provides links to important civil rights resources related to hospitals and effective communication: <http://www.hhs.gov/ocr/hospitalcommunication.html>

Office of Civil Rights Complaint Information

<http://www.hhs.gov/ocr/civilrights/complaints/index.html>