



HRSA
Healthy
Grants
WORKSHOP
Presented as a Web Series

HRSA
Health Resources & Services Administration

Improving the Health of Underserved Populations

How to meet your language access and disability access obligations

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Health Resources and Services Administration (HRSA)

Vision: Healthy Communities, Healthy People



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Agenda

Part I:



Language Access and
Disability Access

Part II:



Effective
Communication

Session I: Objectives

Understand the importance of Language Access and Disability Access

Review legal obligations on accessibility

Consider real-world scenarios and possible solutions

Obtain Language Access and Disability Access Resources



Levels of Application

Federal civil rights laws have **two** levels of application. They mandate that federal agencies and their recipients:

Do not discriminate against individuals due to race, disability, national origin, sex, and other protected bases.

Ensure that their **programs and activities are accessible** to people with disabilities, non-English speakers, and other populations.

What is Language Access?

Language access is achieved when individuals with Limited English Proficiency (LEP) can communicate effectively with your program staff and participate in your programs and activities.



Language Access: Key Terms

Limited English Proficient (LEP)

- Describes individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.

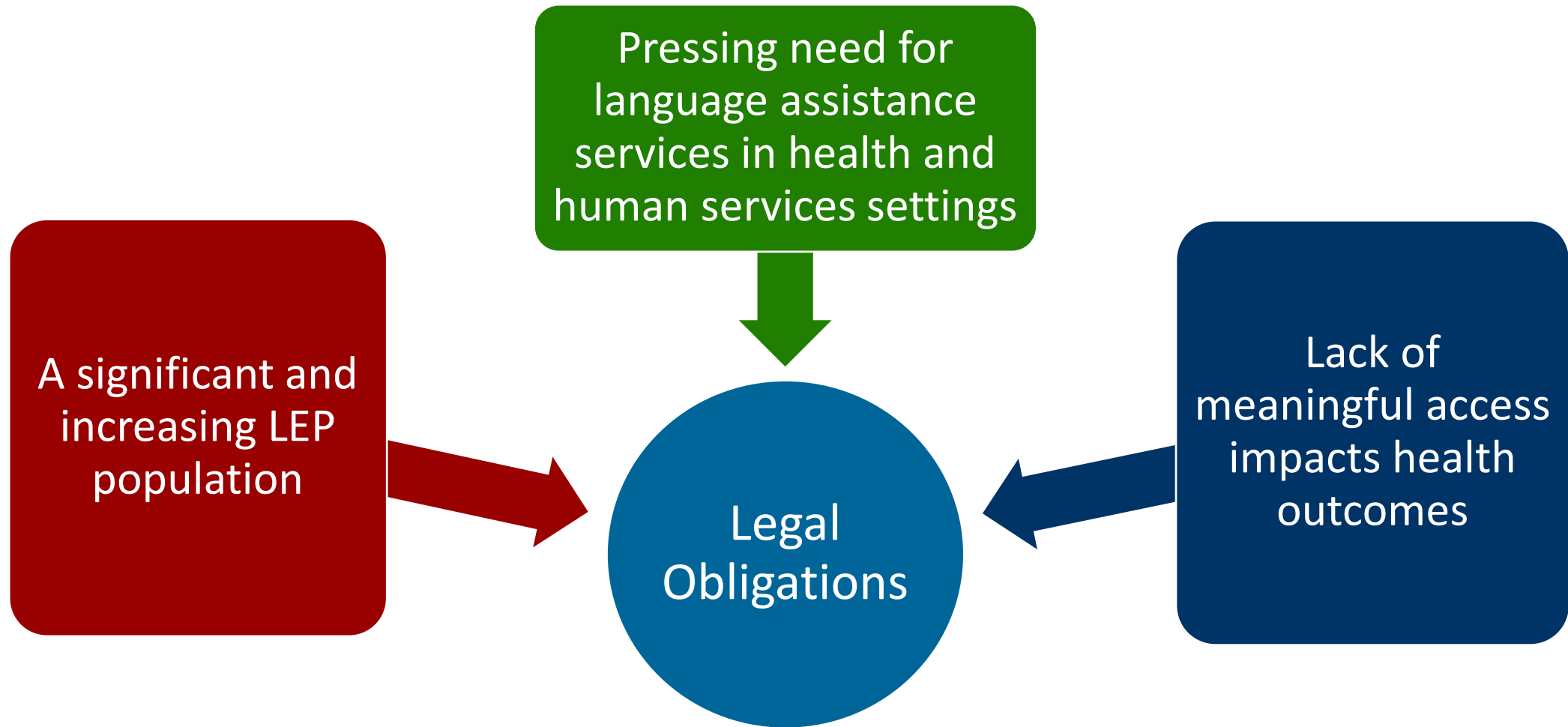
Language Access Plan

- A plan that establishes a strategy for ensuring meaningful access to an organization's programs and activities.

Programs and Activities

- Anything an organization does, especially regarding interactions with the general public

Importance of Language Access



Language Access: The Law

Title VI of the Civil Rights Act of 1964

- Prohibits discrimination on the basis of race, color, or national origin in any program or activity that receives FFA
- *Lau v. Nichols*: LEP status is connected to one's national origin

Executive Order 13166

- Holds Federal Agencies to same standard as recipients and requires that Federal agencies work to ensure that recipients of FFA provide meaningful access to their LEP applicants and beneficiaries.

Section 1557 of the Affordable Care Act

- Prohibits discrimination on the basis of race, color, national origin, sex, age, or disability in health programs or activities, any part of which received funding from HHS



Enforcement and Compliance

HHS Office for Civil Rights (OCR)

Enforcement Agency

Investigation and
Resolution

HRSA

Funding Agency

Proactive
Compliance

Recipient Obligations

Recipients must take reasonable steps to ensure meaningful access to their programs and services.

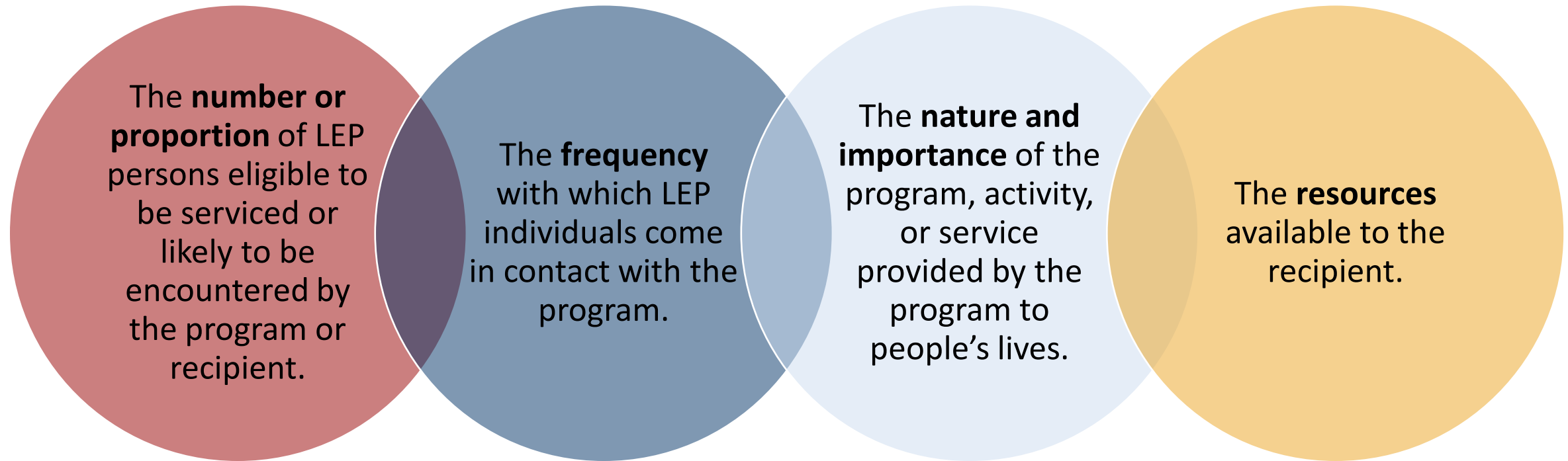


Poll: Language Access Scenario

True or False: Your organization should translate beneficiary materials in a set number of languages.



Conducting a Needs Assessment



Developing an Effective Language Access Plan

Identifying LEP Individuals who need language assistance

Language Assistance Services

Staff Training

Notice to LEP Individuals

Monitoring and Updating the Language Access Plan



Identifying LEP Individuals who need language assistance

- Many LEP individuals will self-identify as LEP by either a) indicating that they have difficulty speaking/understanding English or b) asking for an interpreter.
- If an individual has difficulty holding a conversation in English or is unable to answer simple questions, they may be LEP. To confirm, you could ask:
 - Are you able to easily understand English?
 - What language do you speak at home?
- Use language identification cards or "I speak cards"

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| <input type="checkbox"/> | Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik. | 8. Croatian |
| <input type="checkbox"/> | Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky. | 9. Czech |
| <input type="checkbox"/> | Kruis dit vakje aan als u Nederlands kunt lezen of spreken. | 10. Dutch |
| <input type="checkbox"/> | Mark this box if you read or speak English. | 11. English |
| <input type="checkbox"/> | اگر خواندن و نوشتن فارسی بلد هستید، این مربع را علامت بزنید. | 12. Farsi |



Language Assistance Services

- An effective language access plan includes information about the ways in which language assistance will be provided.
- You may want to include information on the following:
 - Types of language services available.
 - ✓ Written Translation
 - ✓ In-Person Oral Interpretation
 - ✓ Video or Telephonic Oral Interpretation
 - How to ensure the quality of interpreting and translation services you provide.



Chat Box: Language Access Scenario

You are a small health care provider that is able to provide language services via a video remote interpreter. A patient brings her 17 year old daughter to her appointment and indicates that she does not trust the technology and would prefer for her daughter to act as her interpreter instead. What do you do?

Staff Training

- An effective language access plan will include a process for identifying staff who need to be trained and a process for training them.
- Training should ensure that:
 - Staff know about LEP policies and procedures.
 - Staff with regular public contact are trained to work effectively with in-person and telephone interpreters.
- Recipients have flexibility in deciding the manner in which the training is provided.
 - The more frequent the contact with LEP individuals, the greater the need will be for in-depth training.



Poll: Language Access Scenario #2

You are a small organization with few resources. Can you use Google Translate to translate important program information for LEP participants?

Monitoring and Updating the Language Access Plan

- An effective language access plan should include a process to monitor the implementation of its plan and update the plan as necessary.
- Recipients should regularly review the following:
 - Current LEP populations in service area.
 - Frequency of encounters with LEP language groups.
 - Nature and importance of activities to LEP persons.
 - Availability of resources.
 - Whether existing assistance is meeting the needs of LEP persons.
 - Whether staff understands the LEP plan and how to implement it.
 - Whether identified sources for assistance are still available and viable.

Chat Box: Language Access Scenario #2

Notice of Language Access Services: What information should you include?



Notice to LEP Individuals

- Recipients should inform LEP individuals of what language services are available and that they are free of charge.
- Notice could be provided to LEP individuals by:
 - Posting signs in intake areas and other entry points
 - Posting notice on your website
 - Including notice outreach documents
 - Providing notice during initial point of contact
- Recipients should provide notice in a language that LEP persons understand.
 - <https://www.hhs.gov/civil-rights/for-individuals/section-1557/translated-resources/index.html>



What is Disability Access?

Disability access is achieved when individuals with disabilities can equally and meaningfully participate in your programs and activities.



Disability Access: Key Terms

Disability

- The term "disability" means, with respect to an individual:
 - a physical or mental impairment that substantially limits one or more major life activities;
 - a record of such an impairment; or
 - being regarded as having such an impairment.

Auxiliary Aid

- Auxiliary Aids are used to ensure effective communication with individuals who have disabilities that inhibit the ability to communicate. Examples include: sign language interpreters, braille materials, and real time captioning.

Reasonable Modification

- Any modification to policies, practices, or procedures, when the modification is necessary to afford goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities.



Prevalence of Disability

- 56.7 million adults (19%) had a disability in 2010, and 38.3 million adults (13%) had a severe disability (Census Bureau).
- 37.2 million adults (15%) had trouble hearing and 22.9 million (9%) had trouble seeing in 2015 (Centers for Disease Control).
- 42.4 million adults (18%) had a mental illness in 2015, and 9.8 million adults (4%) had a serious mental illness (National Institute of Mental Health).
- Over 1 in 4 of today's 20 year-olds will become disabled before reaching age 67 (Social Security Administration).



Disability Access: The Law

Section 504 of the Rehabilitation Act

- Prohibits discrimination on the basis of disability
- Applies to: HRSA and Recipients

Section 508 of the Rehabilitation Act

- Requires federal agencies to make electronic and information technology accessible to people with disabilities
- Applies to: HRSA

Section 1557 of the Affordable Care Act

- Prohibits discrimination based on disability (and other bases)
- Applies to: HRSA and Recipient health programs or activities

- Prohibits discrimination on the basis of disability
- Applies to: employers, state and local government services, public accommodations, commercial facilities, and transportation.

Americans with Disabilities Act (ADA)



Poll: Disability Access Scenario #3

Your program routinely includes family members in treatment session for its patients who are minors. A minor patient's father has a long term partner who is deaf and would like to take part in the treatment sessions. Do you need to provide a sign language interpreter for the partner?

Recipients must not, on the basis of disability:

- Exclude from, deny, or afford a person with a disability an opportunity to participate in or benefit from a benefit or service that is not equal to what is afforded others;
- Provide a benefit or service to a person with a disability that is not as effective as what is provided others;
- Provide different or separate benefits or services to a person with a disability unless necessary to provide benefits or services that are as effective as what is provided others; or
- Apply eligibility criteria that tend to screen out persons with disabilities unless necessary for the provision of the service, program or, activity.



Poll: Disability Access Scenario #4

Your program is in the process of obtaining an accessible exam table. Can you delay appointments with patients who have mobility based disabilities until the table is installed?



Recipients must:

- Provide services and programs in the most integrated setting appropriate to the needs of the qualified individual with a disability;
- Ensure that programs, services, activities, and facilities are accessible;
- Make reasonable modifications to policies and procedures to avoid discrimination based on disability, unless it would result in a fundamental alteration of the program;
- Provide auxiliary aids to persons with disabilities, at no additional cost;
- Designate an employee to coordinate compliance with Section 504 (and the ADA);
- Adopt grievance procedures to handle complaints of disability discrimination; and
- Provide notice that indicates:
 - That the recipient does not discriminate on the basis of disability;
 - How to contact the employee who coordinates compliance with Section 504; and
 - Information about the grievance procedures.

Disability Access: Practice Scenario

A patient with a mental health based disability has loud outbursts that cause stress for your staff and other patients. Do you have to tolerate the patient's behavior?

Substance Abuse

- A person who is currently engaging in the illegal use of drugs is not entitled to protections under federal disability law.
- However, the law does protect people who:
 - Have been successfully rehabilitated and are no longer engaged in illegal drug use,
 - Are currently in a rehabilitation program and no longer engaging in illegal drug use, or
 - Were incorrectly regarded as illegally using drugs.
- Under the law, an addiction to drugs or alcohol may be considered as a disability and therefore entitled to reasonable accommodations.



Developing an Effective Disability Access Plan

Reasonable Modifications

Effective Communication/Auxiliary Aids

Electronic and Information Technology

Physical & Medical Access

Nondiscrimination Notice & Grievance Procedure

Training



Disability Access: Discussion Question

Can you use HRSA Grant Funds to pay for auxiliary aids and/or reasonable modifications?



Accessibility is a Grant Requirement

HRSA Notice of Award:

“To serve persons most in need and to comply with Federal law, services must be widely accessible. Services must not discriminate on the basis of age, disability, sex, race, color, national origin or religion.”



Using Grant Funds for Disability Access Services

- Consider your disability access costs and include those in your grant application. After the award is made you may formally request permission from HRSA to rebudget for unanticipated costs.
- Budgeted costs must be:
 - Allowable
 - ✓ Necessary and reasonable for the performance of the Federal award
 - ✓ Conform to any limitations or exclusions
 - Allocable
 - ✓ Incurred specifically for the Federal award
 - ✓ Be necessary to the overall operation of the non-Federal entity and is assignable in part to the Federal award
 - Reasonable
 - ✓ Generally recognized as ordinary and necessary
 - ✓ Comparable to market prices for goods or services
- Consult with the HRSA Grants Management Specialist and/or Project Officer



Cost-Effective Strategies

Share resources between similarly situated recipients.

Organize resources into a central inventory.

Include quality assurance language in contracts.

Plan ahead.

Note:

- These strategies are not legal requirements.
- Some of these strategies may not apply to you.

Resources

General

HRSA/OCRDI

<https://www.hrsa.gov/about/organization/bureaus/ocrdi>

Healthy Grants Workshops

<https://www.hrsa.gov/grants/manage-your-grant/training/workshops>

Language Access

LEP.gov

HHS Office for Civil Rights LEP Guidance

hhs.gov/civil-rights/for-individuals/special-topics/limited-english-proficiency/index.html

Disability Access

ADA.gov

HHS Office for Civil Rights Disability Discrimination Guidance

hhs.gov/civil-rights/for-individuals/disability/index.html



Contact

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