



Together we build a culture of fairness, diversity, and inclusion to improve health and achieve health equity.

Language Access in Rural Communities

How to meet your legal obligations and make your programs accessible

Presenter

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For general questions and assistance, please email: OCRDI@hrsa.gov or call 301-443-5636.



Training goals

Understand the importance of language access

Understand your language access obligations

Identify practical solutions for meeting your language access obligations

Obtain language access resources



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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.



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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.

Recipients of Federal Financial Assistance (FFA)

- Examples include: Recipients (grantees), sub-recipients, cooperative agreement recipients

Language Access Plan

- A plan that establishes a strategy for ensuring meaningful access by LEP individuals to your programs and activities.

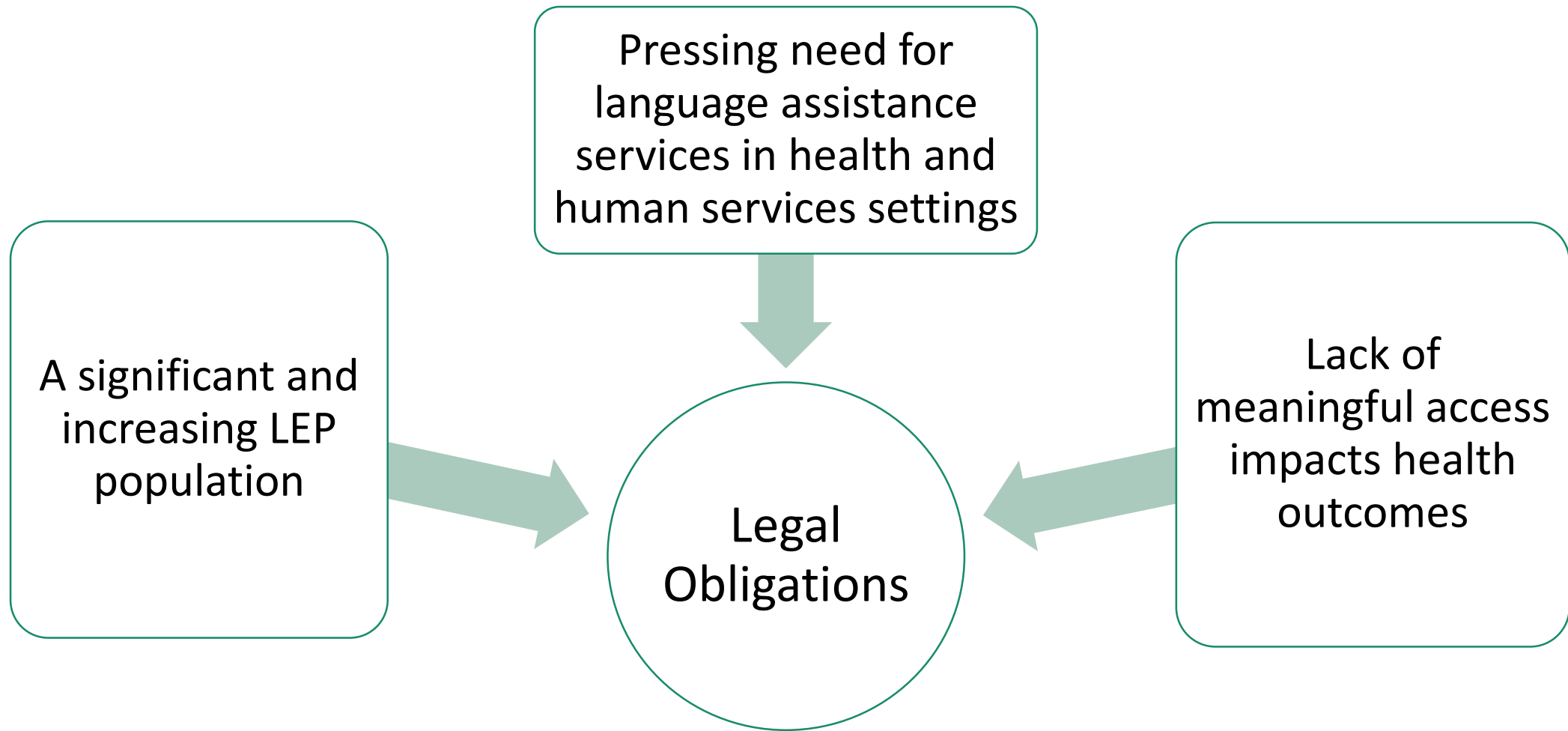
Programs and Activities

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



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Importance of Language Access



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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

Reactive

HRSA

Funding Agency

Proactive



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Recipient Obligations

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



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Conducting a Needs Assessment

The **number or proportion** of LEP persons eligible to be serviced or likely to be encountered by the program or recipient.

The **frequency** with which LEP individuals come in contact with the program.

The **nature and importance** of the program, activity, or service provided by the program to people's lives.

The **resources** available to the recipient.

<https://www.hhs.gov/civil-rights/for-individuals/special-topics/limited-english-proficiency/guidance-federal-financial-assistance-recipients-title-vi/index.html>

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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



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Using Grant Funds for Language Access Services

- Consider your language 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



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Practice Scenarios

- You are a small organization with few resources. Can you use google translate to translate important program information for LEP participants?
- You have conducted an assessment and found that 99% of your service population is made up of English and Spanish speakers. You translate vital documents into Spanish and hire bilingual staff to assist Spanish speakers. One day you encounter an applicant who speaks Igbo. What are your obligations?
- Based on your assessment, you included language access services costs in your grant application and were approved. Nine months into the grant period you realize that you have additional language services costs that you did not foresee. What do you need to do to allow your organization to use your current award for these services?
- 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?



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Strategies for Providing Language Access

Include Language Services in Grant Budget/Application

- If, based on an assessment of their service population, a grant applicant anticipates the need for language assistance services, those costs can be included in the grant application budget.

Resource Sharing Agreements

- Recipients can seek out other organizations in the same geographical area or with a similar mission to negotiate resource sharing agreements.
- Resource sharing agreements can take a number of different forms, with some agreements being more formal (e.g., cost sharing on a contract) and others being informal (e.g., sharing informational resources such as lists of qualified interpreters and translators or translated materials).

Centralized Electronic Inventory of Translated Resources/Documents

- Recipients can organize translated resources and documents into a central repository in order for staff to easily determine how many resources are available, which resources are still current, and to limit translation costs when only a few updates to an already translated document are needed.



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Strategies for Providing Language Access

Translated Glossary

- Recipients may consider developing a translated glossary of frequently used terms to reduce translation costs, expedite the translation process, and ensure accurate interpretations of information.

Bulk Purchasing

- Bulk translations are contracts negotiated for bulk pricing in which purchasers receive a discount or lower price based on the number of services ordered.
- When a recipient issues similar documents about its program or activity each year in many common languages, it can save money by using a translating company that offers charges only for translating the changed terms from year to year after paying for the initial translation of the document.

Include Quality Assurance Requirements in Language Assistance Contracts

- Including quality assurance requirements reduces barriers and avoids incurring additional costs due to interpretation/translation errors.
- Quality assurance requirements in language services contracts provides recipients with an opportunity to make inspections and test service quality while the services are in progress.



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Language Access Resources

- **HRSA Manage Your Grant Page**
 - <https://www.hrsa.gov/grants/manage/index.html>
- **LEP.gov**
 - Department of Justice Website with compiled Language Access resources
 - <https://www.lep.gov/resources/ISpeakCards2004.pdf> (“I speak” cards)
- **HHS Office for Civil Rights LEP Guidance**
 - <https://www.hhs.gov/civil-rights/for-individuals/special-topics/limited-english-proficiency/index.html>
- **HHS LEP Guidance for FFA Recipients**
 - <https://www.hhs.gov/civil-rights/for-individuals/special-topics/limited-english-proficiency/guidance-federal-financial-assistance-recipients-title-VI/index.html>
- **AHRQ LEP Materials**
 - <https://www.ahrq.gov/policy/lep.html>
- **Providing Health Care to LEP Patients**
 - https://lsaweb.com/ir-docs/providing_healthcare_lep_feb2004.pdf



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Contact

HRSA Office of Civil Rights, Diversity, and Inclusion

HRSACivilRights@hrsa.gov

301-443-5636

Budget, reporting and other administrative requirement questions:

Contact your Grants Management Specialist (on the last page of your Notice of Award)

Project goals, scope and other programmatic requirement questions:

Contact your Project Officer (on the last page of your Notice of Award)



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