

Department of Behavioral Health
TRANSMITTAL LETTER

SUBJECT Language Access for Individuals with Limited or No-English Proficiency		
POLICY NUMBER DBH Policy 500.1A	DATE SEP 28 2016	TL# 300

Purpose. The purpose of this policy is to ensure equal access and participation in Department of Behavioral Health (DBH) public services, programs and activities for individuals who are Limited or Non-English proficient.

This revision includes the role of the Ombudsman as part of the process of filing informal complaints, monitoring and compliance components.

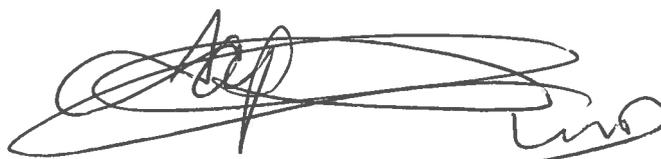
Applicability. DBH licensed, certified and/or contracted behavioral health providers with a human care agreement and the Behavioral Health Authority.

Policy Clearance. Reviewed by affected responsible staff and cleared through appropriate Behavioral Health Authority (BHA) offices and providers.

Effective Date. This policy is effective immediately.

Superseded Policies. This policy replaces DMH Policy 500.1, same subject, dated May 14, 2014.

Distribution. This policy will be posted on the DBH web site at www.dbh.dc.gov under Policies and Rules. Applicable entities are required to ensure that affected staff are familiar with the contents of this policy.



Tanya A. Royster, M. D.
Director, DBH

GOVERNMENT OF THE DISTRICT OF COLUMBIA  DEPARTMENT OF BEHAVIORAL HEALTH	Policy No. 500.1A	Date SEP 28 2016	Page 1
	Supersedes: DBH Policy 500.1, same subject, dated May 14, 2014		

Subject: Language Access for Individuals with Limited or No-English Proficiency

1. **Purpose.** The purpose of this policy is to ensure equal access and participation in Department of Behavioral Health (DBH) public services, programs and activities for individuals who are Limited or Non-English proficient.

2. **Applicability.** DBH and DBH licensed, certified and/or contracted behavioral health providers with a human care agreement.

3. **Authority.** Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq.; DC Act 15-414, Title 22A DCMR, Chap. 34, § 3410, Section (a)(2) of DC Language Access Act of 2004; and Procurement Practices Human Care Agreement Amendment Act of 2000 (D.C. Law 13-155), the Establishment of the Department of Behavioral Health Act of 2013.

4. **Policy.** It is the policy of DBH that all individuals that receive services and supports as a part of the DBH service delivery system or participate in DBH sponsored events have access to and receive language access services that meet their individual needs, including written and oral translations appropriate to their specific language needs.

5. **Definitions.**

DBH Provider – for purposes of this policy, an organization certified by DBH who has a human care agreement to provide mental health rehabilitation services (MHRS) or Substance Use Disorder (SUD) services.

Limited or No-English Proficiency – the inability to adequately understand or express oneself in the spoken or written English language.

Ombudsman – the individual responsible for administering the Behavioral Health Ombudsman Program, a program established by the South Capitol Street Memorial Amendment Act of 2012, to provide District residents with assistance in accessing behavioral health programs and services.

Oral Language Services – the provision of oral information necessary to enable limited or no-English proficiency residents to access or participate in programs or services offered by a covered entity. Oral language services may include placement of bilingual staff in public contact positions, the provision of experienced and trained staff interpreters, contracting with telephone interpreter programs, contracting with private interpreter services, and using interpreters made available through community service organizations that are publicly funded for that purpose.

Vital Documents – applications, notices, complaint forms, legal contracts and other legal documents, outreach materials published by a covered entity in a tangible format that inform

individuals about their rights and responsibilities or eligibility requirements for benefits and participation.

6. Responsibilities and Procedures.

6a. DBH shall:

(1) Designate a Language Access Coordinator who is responsible for DBH compliance with the DC Language Access Act of 2004.

(2) Coordinate language services for events under the auspices of DBH (also see Section 7 below).

(3) Arrange for translation of vital documents.

(4) Ensure public notices regarding language access services are posted in regularly encountered languages in waiting rooms, reception areas, and other initial points of contact at DBH facilities and DBH provider sites; and ensure the public is informed about the availability of language assistance by using language identification cards such as "I Speak" in all facility reception areas.

(5) Require DBH personnel in senior management positions and public contact positions to complete Language Access Compliance Training annually on how to provide ongoing language access services. New hires who will serve in public contact positions must receive Language Access Compliance Training as a component of the training requirements.

(6) Require all DBH providers to have a viable language access policy. The DBH Language Access Coordinator shall work to ensure all service providers comply with the language access requirements and receive compliance training.

(7) As a part of the contractual agreement with the agency, each DBH provider must sign a Language Access Agreement that is renewed at each contract period.

6b. DBH Language Access Coordinator shall:

(1) Review each DBH provider's written policy regarding language access to ensure compliance with this policy, and ensure that consumers can communicate effectively with the selected provider.

(2) Conduct a minimum of one (1) outreach activity each fiscal year, such as public information sessions to inform consumers of their language access rights, and include the date(s) of outreach, a description of the outreach, location of outreach, and the groups targeted in the quarterly report to the DC Office of Human Rights.

(3) Review DBH language access needs every two (2) years, and develop and implement the Biennial Language Access Plan as required by the DC Office of Human Rights, Office of Language Access Programs.

6c. DBH Providers shall:

(1) Establish and maintain a viable language access policy and procedures on how to access and provide the appropriate language service for individuals who have an identified need for such assistance in order to ensure full participation and understanding of services.

(2) Arrange for the provision of language access services at no cost to Limited or Non-English proficient consumers. Provide a quarterly report on the number of enrolled consumers who receive language access services to the DBH Language Access Coordinator. This information shall include the following:

- a. The number of Limited or Non-English proficient individuals served or encountered per quarter and languages spoken.
- b. The frequency with which Limited or Non-English proficient individuals come into contact with the DBH provider.
- c. The number and type of languages spoken by agency staff.

(3) Document primary language information in consumer's clinical record at the point of entry, if known, with notations on how to engage the person in communication if unknown.

(4) Provide annual language access training for all public contact staff (employees who regularly come into contact with the public) on how to provide ongoing language services.

(5) Immediately advise the DBH Language Access Coordinator when unable to meet language access needs. The Coordinator shall notify the DBH Director/designee of the issues as they arise.

7. DBH Sponsored Events. DBH shall provide language services for events under the auspices of DBH. DBH offices shall contact the Language Access Coordinator or designee at 202-673-7690 to request the type of language access service required to ensure effective communication for individuals who are Limited or Non-English proficient.

8. Translation of Documents. The DBH Language Access Coordinator shall be contacted for translation of documents.

9. Language Access Complaint Process.

9a. Informal complaints. Written or oral language access complaints may be filed informally within DBH through the Ombudsman¹ or the Language Access Coordinator (see section 11). The Language Access Coordinator is responsible for investigating and addressing the complaint within ten (10) business days. An additional five (5) business-day extension for extenuating circumstances may be granted by the DBH Director/designee.

(1) The Language Access Coordinator shall provide a summary of the investigation and

¹ The contact number for complaints through the Ombudsman Office is (844) 698-2924.

recommendations to resolve the claim or an explanation of why the claim could not be substantiated to the DBH Director.

(2) If an investigation indicates an agency failure to provide effective language access, the DBH Director/designee shall inform the recipient and mediate a resolution by informal means within ten (10) business days.

(3) If the claim could not be substantiated, the Language Access Coordinator shall provide written explanation to the consumer.

(4) Individuals that are not satisfied with the resolution at the DBH level can file a formal complaint with the DC Office on Human Rights (see Section 8b), or a consumer may file a grievance (see Section 8c).

9b. Formal complaints. Individuals may file a formal complaint regarding language access issues with the DC Office on Human Rights. The Language Access Complaint form and process can be downloaded at <http://ohr.dc.gov> or by contacting the DC Office of Human Rights at (202) 727-4559. Formal complaints are investigated by the DC Office on Human Rights. Upon notification, the DBH Language Access Coordinator shall immediately report all formal complaints to the DBH Director and Chief of Staff. Information regarding all formal complaints in each quarter shall be included in the quarterly report.

9c. Grievances. Consumers may also file a grievance at any time in accordance with the DBH Consumer Grievance Procedures in 22A DCMR Chapter 3, through the DBH consumer grievance program called FAIR2 through which a consumer can voice his or her complaints or concerns if the consumer believes his or her rights have been denied or he or she was treated unfairly.

9d. The DBH Language Access Coordinator shall report all language access complaints received in the fiscal year as indicated in the DC Language Access Act in the fourth (4th) quarter report to the DC Office of Human Rights.

10. Monitoring. Each agency’s language access plan shall include periodic compliance monitoring with the District’s Language Access Act and an assessment of needed changes.

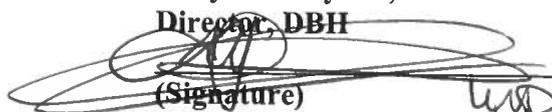
11. Compliance. Each DBH provider shall meet the language access compliance requirements in the Human Care Agreement.

12. Inquiries. Questions regarding this policy may be addressed to the DBH Language Access Coordinator at (202)673-7690.

Approved by:

Tanya A. Royster, M.D.

Director, DBH


(Signature)

9/28/2016
(Date)

² DBH Grievance and Dispute Resolution Procedure FAIR (Finding Answers, Improving Relationships).
Contact: Office of Consumer and Family Affairs: (202) 673-4377 Fax (202) 673-1933