


GOVERNMENT OF THE DISTRICT OF COLUMBIA 	Policy No. 500.1C	Date 9/2/2022 SEP 02 2022	Page 1
DEPARTMENT OF BEHAVIORAL HEALTH	Supersedes 500.1B, same title, June 19, 2018		
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 the Department of Behavioral Health (DBH) public services, programs and activities for individuals who have Limited English Proficiency (LEP) or No English Proficiency (NEP).
2. **Applicability.** DBH and DBH licensed and certified providers with a human care agreement.
3. **Authority.** Language Access Act of 2004, D.C. Code §§ 2-1931 et seq.
4. **Key Terms and Definitions.**

DBH Provider. An organization with a human care agreement that has been certified or licensed by DBH to provide behavioral health services or supports.

Limited English Proficiency (LEP) or No English Proficiency (NEP). 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 to assist District residents in accessing behavioral health services and supports.

Vital Documents. Applications, notices, complaint forms, contracts, legal documents, and outreach materials published by DBH or a DBH provider in a tangible format that inform individuals about their rights and responsibilities or eligibility requirements for benefits and participation.

5. **Policy.** All individuals who receive behavioral health services or supports from DBH or a DBH provider or participate in DBH sponsored events shall have access to and receive written translation and oral and sign interpretation services from DBH or a DBH provider that meets their individual needs. DBH encourages the provision of language and sign interpretation services in person.
6. **Procedures.**

6a. DBH Responsibilities:

DBH Shall

- (1) Designate a Language Access Coordinator who is responsible for ensuring DBH compliance with the D.C. Language Access Act of 2004.
- (2) Coordinate language services for DBH events (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;
- (5) Ensure the public is informed about the availability of language assistance by using the "I Speak" card in all facility reception areas;
- (6) Require DBH personnel in senior management positions and positions with public interface to complete Language Access Compliance Training every two (2) years. New hires who will serve in public contact positions must complete Language Access Compliance Training within thirty (30) calendar days of onboarding; and
- (7) Require all DBH providers to have a language access policy that is subject to review and approval by the DBH Accountability Administration. The DBH Language Access Coordinator shall ensure all service providers comply with the language access requirements and receive compliance training.

6b. DBH Language Access Coordinator and Team Responsibilities:

The Language Access Coordinator shall:

- (1) Review each DBH provider's written policy regarding language access to ensure compliance with this policy;
- (2) Ensure that consumers can communicate effectively with their selected provider;
- (3) Conduct a minimum of one (1) outreach activity each fiscal year, such as a public information session, to inform consumers of their language access rights. The Language Access Coordinator shall report quarterly to the D.C. Office of Human rights on any such activities conducted during that quarter and include the date(s) of outreach, a description of the outreach, location of outreach, and the groups targeted;
- (4) In accordance with the D.C. Language Access Act of 2004, review demographic and language shifts in the District and update this policy every two (2) years; and
- (5) Develop and implement the Biennial Language Access Plan as required by the

D.C. Office of Human Rights, Office of Language Access Programs

6c. DBH Provider Requirements:

Each DBH provider shall:

- (1) Establish and maintain a language access policy subject to review and approval by the DBH Accountability Administration to ensure full participation and understanding of services. The policy will include procedures on how to access translation and interpretation services and provide the appropriate language service for individuals who have an identified need for such assistance;
 - (2) Arrange for the provision of language access services at no cost to LEP or NEP consumers;
 - (3) Provide a quarterly report on the number of enrolled consumers who receive language access services to the DBH Language Access Coordinator, which shall include the following:
 - a) The number of individuals served who have LEP and NEP per quarter and the language(s) spoken;
 - b) The frequency with which individuals with either a LEP or NEP come into contact with the DBH provider; and
 - c) The number and type of languages spoken by the DBH provider's staff.
 - (4) If the consumer/client's primary language is known, the DBH provider shall document the consumer/client's primary language information in their clinical record at the point of entry. If the consumer/client's primary language is not known, the DBH provider shall utilize the "I Speak" sign to allow the consumer/client to inform the DBH provider of their preferred language for communication;
 - (5) Provide annual language access training for all employees who regularly come into contact with the public;
 - (6) Immediately advise the DBH Language Access Coordinator when unable to meet a consumer/client's language access needs. The Language Access Coordinator shall notify the DBH Director or their designee; and
 - (7) Execute a Language Access Agreement that is renewed at each contract period.
7. **DBH Sponsored Events.** DBH shall provide language access services for all DBH-sponsored events. DBH staff shall contact the Language Access Coordinator or their

designee at (202) 673-7690 to request language access services for DBH-sponsored events.

8. **Translation of DBH and Court Services Documents.** DBH employees shall contact the Language Access Coordinator for translation of DBH and court services documents.
9. **Language Access Complaint Process.**

9a. Informal Complaints:

Individuals may file written or oral language access complaints informally within DBH through the Ombudsman or the Language Access Coordinator (Formal Complaints are addressed in section 9B, below). The Language Access Coordinator must investigate and address the complaint within ten (10) business days. The DBH Director or their designee may grant an extension for an additional five (5) business-days for extenuating circumstances. At the end of an investigation, the Language Access Coordinator shall address a complaint in writing and include the applicable three (3) elements to inform the complainant:

- (1) The Language Access Coordinator shall provide a summary of the investigation and 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 or their 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 individual.

Individuals who are not satisfied with the resolution at the DBH level can file a formal complaint with the D.C. Office on Human Rights (see Section 9B, below), or a consumer may file a grievance (Section 9C, below). The Ombudsman's Office Telephone number is (844) 698-2924.

9b. Formal Complaints:

Individuals may file a formal complaint regarding language access issues with the D.C. Office on Human Rights. The Language Access Complaint form and process can be downloaded at <http://ohr.dc.gov> or requested by contacting the D.C. Office of Human Rights at (202) 727-4559. Formal complaints are investigated by the D.C. Office on Human Rights.

Upon notification, the Language Access Coordinator shall immediately report all formal complaints to the DBH Director and Chief of Staff. The Language Access

Coordinator shall report on all new complaints and provide a status for any ongoing complaints in the quarterly report.

9c. Grievances:

Consumers may file a grievance at any time in accordance with the DBH Consumer Grievance Procedures described in Title 22-A DCMR Chapter 3. The DBH Grievance and Dispute Resolution Procedure Finding Answers, Improving Relationships (FAIR) is designed for a consumer to voice his or her complaints, concerns, any belief that his or her rights have been denied, or that he or she was treated unfairly.

The FAIR office is contacted through the Office of Consumer and Family Affairs. The telephone number is (202) 673-4377 and the fax number is (202) 673-1933.

9d. Reports:

The Language Access Coordinator shall report all language access complaints received in the fiscal year as indicated in the D.C. 4th quarter report to the D.C. Office of Human Rights.

10. **Monitoring.** Each provider's language access policy 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 their human care agreement.
12. **Inquiries.** Please contact the Language Access Coordinator at (202) 673-7690 with questions about this policy.

Approved By:

Barbara J. Bazron, Ph.D.
Director, DBH



(Signature) 09/02/2022
(Date)