

## Administrative Policy No. 7.21

**Subject:** Access to Services for Persons with Limited English Proficiency (LEP)

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**Authorizing Source:** [Title VI of the Civil Rights Act of 1964](#)  
[Executive Order 13166](#)  
[45 CFR 80.3 \(Department of Health & Human Services Nondiscrimination Regulations Affordable Care Act Section 1557 National Standards for Culturally and Linguistically Appropriate Services \(CLAS\) RCW 74.04.025 RCW 39.26.300 Chapter 49.60 RCW Chapter 388-03 WAC Chapter 388-271 WAC DSHS Language Access Plan SFY22-24](#)

**Effective Date:** June 1, 1989

**Revised:** April 6, 2021 <sup>1</sup> Housekeeping change 6/18/2021 <sup>2</sup> Housekeeping 9/23/2021

**Approved By:** **Original signed by Lori Melchiori**  
Senior Director, Office of Policy and Rules

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### Purpose

This policy directs Department of Social and Health Services (DSHS) to take reasonable steps to provide meaningful access to information and services for clients or applicants with Limited English Proficiency (LEP) without significant delay.

[Administrative Policy No. 7.20](#) covers communication access for clients who are Deaf, DeafBlind, Hard of Hearing, Late Deafened, Deaf Plus, or Speech Disabled, or a combination thereof.

### Scope

This policy applies to all DSHS administrations, divisions, and employees.

## Definitions

**Certified Bilingual Employee** - A DSHS staff member who has passed the required DSHS bilingual employee language examination, offered by the DSHS Language Testing and Certification program (LTC), or a DSHS recognized professional association examination (e.g., American Translators Association, State of Washington Administrative Office of the Courts, Administrative office of the United State Courts, etc.).

**Certified or Authorized Interpreter (for Spoken Languages)** - A person who has passed the required DSHS interpreter examination, offered by DSHS LTC, or is recognized by DSHS through the established process in WAC 388-03-114.

**Certified Translator** - A person who has passed the required DSHS written translation examination, offered by DSHS LTC, or is recognized by DSHS through the established process in WAC 388-03-114.

**Client** - A person who applies for or receives services from DSHS.

**Contracted Service Provider** - A person or an agency that contracts with DSHS to provide the amount and kind of services requested by DSHS or provides services under the contract only to those beneficiaries individually determined to be eligible by DSHS.

**Interpretation** - The transfer of an oral communication from one language to another.

**Language Access Advisor** – DSHS staff member(s) assigned by the DSHS executive management team to oversee the provision of language services for clients with LEP, and clients who are Deaf, DeafBlind, Hard of Hearing, Late Deafened, Deaf Plus, speech disabled, blind, or have limited vision within their respective administration or division.

**Language Access Advisory Committee** - Committee that functions in an advisory role to implement the DSHS language access plan and to promote consistent, department-wide compliance with federal and state laws and DSHS administrative policies pertaining to language services provided to clients with LEP, and clients who are Deaf, DeafBlind, Hard of Hearing, Late Deafened, Deaf Plus, speech disabled, blind, or have limited vision

**Language Access Plan** - The current DSHS language access plan, drafted by the language access advisory committee, and approved by DSHS cabinet.

**Language Services** – Language assistance provided by a certified bilingual employee or through

a certified contracted interpreter or translator to provide meaningful access to DSHS services for a client with LEP.

**Language Testing and Certification Program (LTC)** - The unit within DSHS responsible for the administration of testing and certification in spoken and written languages for DSHS employees, contracted interpreters, and translators.

**Limited English Proficiency (LEP)** – A limited ability or inability to read, speak, write, or understand English.

**Master Language Code List** – ISO 639 is a set of standard codes for representing languages set by the International Organization for Standardization. The Master Language Code List is based on the ISO-639-3 standard, but also includes unique “local codes” (created by the language access advisors committee to identify the diverse language needs of our clients and customers that are not currently represented by ISO codes) and non-ISO codes used by older systems that are not currently able to update to the latest ISO codes. The list provides a crosswalk between DSHS, Health Care Authority (HCA), and Health Benefit Exchange (HBE) systems that interface or communicate with each other as part of the delivery of services to our clients and customers. Both spoken and written languages are identified in some of the systems and included in the list. The list is maintained by the language access advisory committee and published in [DSHS IT Standard 23.1 – Master Language Codes](#).

**Primary or Preferred Language** - The language that a client or applicant identifies in which they wish to communicate verbally or in writing with DSHS.

**Translation** - The transfer of a written communication from one language to another.

## Policy

### A. **Communicating with Clients and Applicants with Limited English Proficiency**

DSHS staff will take reasonable steps to provide clients and applicants with LEP meaningful access to information, programs and services by offering language services through one or more of the following methods:

1. Information posted in public spaces and on the DSHS website alerting viewers to the availability of communication assistance free of charge;
2. Direct provision of services by certified or authorized bilingual employees;
3. Interpreter services provided by certified or authorized contracted interpreters; and
4. Document translation services provided by qualified contractors.

### B. **DSHS Administration or Division Responsibilities**

1. Appoint a language access advisor to represent their administration or division on the language access advisory committee (LAAC);
2. Implement objectives in the [DSHS language access plan](#) SFY22-24 including but not limited to:
  - a. Promote cultural proficiency in working with clients with LEP and interpreters;
  - b. Post multilingual signs in DSHS client waiting areas that explain the availability of interpreter services at no cost to the individual;
  - c. Include language in service contracts to advise providers of their responsibility to provide or arrange for language services. **Note:** Service providers under contract with DSHS must comply with all federal and state regulations, as well as contractual requirements pertaining to the provision of language services.
3. All facilities, including twenty-four-hour facilities, must have general procedures in place to assist clients with LEP with verbal and written communication, and must take reasonable steps to ensure clients with LEP have meaningful and timely access to DSHS services or benefits.

**C. Language Access Advisor Responsibilities**

1. Attend mandatory meetings of the LAAC;
2. Assist in monitoring and coordinating identification of language service needs and strategies to work with administrations or divisions in providing access to appropriate language services;
3. Assist in identifying and securing existing and needed resources to provide oral and written language services;
4. Provide recommendations to implement objectives of the language access plan;
5. Assist in training and guidance to DSHS staff and leadership within their administration or division, regarding interpreter and translation service contracts, and LEP policies and procedures;
6. Participate in regular self-evaluation and review of the language access plan;
7. Review and provide comment on all documents provided by the LAAC;
8. Participate in establishing protocols for quality, timely, cost-effective, language services with appropriate levels of confidentiality;
9. Assist in language access related data collection and reporting; and
10. Participate in procurement and monitoring of language services contracts through DSHS and DES as needed.

**D. DSHS Language Access Advisory Committee**

1. Meet monthly to address agency language access needs and issues;
2. Implement action items and objectives in the current DSHS language access plan;
3. Review and approve updates and requested changes to the master language code list; and
4. Review and update master language code list annually.

**E. DSHS Staff Responsibilities**

1. Identify clients or applicants with LEP as early as possible during initial contact;
2. Identify and record the primary or preferred language of the individual and if applicable the party with whom staff will communicate regarding their services;
3. Inform individuals of their right to language services, at no cost to them, when language services are necessary to access, establish or maintain a client's eligibility for DSHS programs or services; and
4. Arrange for appropriate and effective language services.
5. Oral Communication.

When communicating with a client or applicant with LEP orally, DSHS staff determines the most appropriate method for oral communication.

- a. Through a certified bilingual employee;
- b. With the assistance of an interpreter:
  - i. in person;
  - ii. over the phone interpreting (OPI); or
  - iii. video remote interpreting (VRI).

Note: DSHS staff may consult with their language access advisor for assistance and guidance on how to arrange interpreter services.

Note: DSHS staff may not use children, family members or friends of the individual as interpreters.

6. Written communication.

When communicating with a client or applicant with LEP in writing, DSHS staff determines the most appropriate method for translating or transcribing (Braille, Large Print, or other alternate format) written communication.

Note: DSHS staff may consult with their language access advisor for assistance in determining the most appropriate method of written communication and for specific instructions on how to check for existing translations and how to request new translations.

<sup>1</sup> Updated hyperlink under B.2.

<sup>2</sup> Updated language access plan