

Administrative Policy No. 7.21

Subject:	Access to Services for Clients who are Limited English Proficient (LEP)
Information Contact:	Diversity Affairs Office (LEP Advisory Committee Sponsor) MS 45014 (360) 725-5828
Authorizing Source:	Office of the Secretary Title VI of the Civil Rights Act of 1964 RCW 74.04.025 Chapter 49.60 RCW Chapter 388-271 WAC
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Approved By:	original signed by Patricia K. Lashway Senior Director, Policy and External Relations

Purpose

This policy directs Department of Social and Health Services (DSHS) staff to take reasonable steps to provide Limited English Proficient (LEP), clients with meaningful access to DSHS programs and services.

For assistance in serving clients who are deaf, deaf-blind, or hard of hearing, refer to [Administrative Policy 7.20](#).

Scope

This policy applies to all DSHS 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 Administrator for the Courts, Federal Court, etc.).

Certified or Authorized Interpreter (for Spoken Languages) - A person who has passed the required DSHS interpreter examination, offered by DSHS LTC, or has passed a DSHS recognized interpreter examination offered by another organization.

Certified or Authorized Translator - A person who has passed the required DSHS written translation examination, offered by DSHS LTC, or has passed a DSHS recognized written translation examination offered by another organization.

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.

DSHS Master Language Code List - For New Systems, Systems Undergoing Substantial Change, and ProviderOne – The list of language codes that must be used by new systems or current systems that undergo substantial change. This is also the list of codes ProviderOne currently uses. This is the list of codes that all DSHS systems will eventually use. Some of the codes are based on the ISO-639-2 standard. Some are based on the ISO-639-3 standard. And, some of the codes are new unique “local codes” created by the LEP Advisors Committee. The LEP Advisory Committee maintains this list. The language codes allow DSHS systems to identify which languages DSHS clients/customers speak and write.

DSHS Master Language Code “Exception” List - For CARE, ACT, FamLink, Client Registry, TARGET, ACES and Translation Tracking System (TTS) – The list of DSHS language codes located in CARE, ACT, FamLink, TARGET, ACES, Client Registry and TTS that interface with ProviderOne. The crosswalk list for the program area languages codes in these systems to the language codes in ProviderOne. The LEP Advisory Committee maintains this list. The language codes allow DSHS systems to identify which languages DSHS clients/customers speak and write.

Interpretation - As used in this policy, the transfer of an oral communication from one language to another.

Language Services - Bilingual assistance provided by a certified bilingual employee or through a certified contract interpreter or translator to provide equal access to DSHS services for a LEP client.

Language Testing and Certification Program (LTC) - The unit within the Operations Support and Services Division, Office of Administrative Resources responsible for the administration of testing and certification in foreign languages for DSHS employees, contracted interpreters and translators.

Limited English Proficient (LEP) Client - A person who does not speak English as his/her primary language, who has a limited ability to read, speak, write, or understand English, and who is applying for or receiving DSHS services directly or through a contractor.

LEP Advisor - Person(s) assigned by a member of the DSHS Executive Management Team to oversee the provision of accurate language services for LEP, deaf, deaf/blind, hard of hearing, and blind/limited vision clients within their respective organization (e.g., administration, division).

LEP Advisory Committee - Committee that functions in an advisory role to promote consistent, department-wide compliance with federal and state laws and DSHS administrative policies pertaining to services provided to DSHS LEP, deaf, deaf/blind, hard of hearing, and blind/limited vision clients.

Client's Primary Language - The language that a client identifies as the language in which he or she wishes to communicate verbally and/or in writing with DSHS.

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

Policy

A. Provision of Services to Clients who are Limited English Proficient

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

1. Direct provision of services by certified or authorized bilingual employees;
2. Interpreter services provided by certified or authorized contracted interpreters (in person or over the phone); and
3. Document translation services provided by certified or authorized contracted translators.

B. DSHS Staff Responsibilities

1. Identify LEP clients as early as possible during initial contact;
2. Identify and record the primary language of the head of household and/or the client;
3. Inform clients 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 effective language services for LEP clients.

C. DSHS Program Responsibilities

1. Appoint an LEP Advisor to represent their administration on the LEP Advisory Committee;
2. Develop and implement procedures for providing interpreter and translation services for their specific administration;
3. Arrange for DSHS staff training that informs staff of LEP-related laws and

- agreements, and promote cultural proficiency in working with LEP clients and interpreters;
4. Post multilingual signs in DSHS client waiting areas that explain the availability, at no cost to the client, of interpreter services; and
 5. Include language in service contracts to advise providers of their responsibility to provide or arrange for language services.
 6. DSHS Master Language Code Lists:
 - a. Only use language codes that comply with the DSHS Master Language Code List or the DSHS Master Language Code Exception List.
 - b. All new systems and current systems undergoing substantial change must use the DSHS Master Language Code List.
 - c. CARE, ACT, FamLink, Client Registry, TARGET, ACES and TTS can use the DSHS Master Language Code Exception List until such time as they undergo substantial change. When undergoing substantial change, they must use the DSHS Master Language Code List.
 - d. Submit requests to change the DSHS Master Language Code List or DSHS Master Language Code Exception List to the LEP Advisory Committee
 - e. If the program area's system interfaces with ProviderOne, submit a Change Request to ProviderOne to change the ProviderOne Language Code Crosswalk once a change to the DSHS Master Language Code List or DSHS Master Language Code Exception List has been approved by the LEP Advisory Committee.
 - f. Communicate language code changes to program area staff.

Note: Service providers under contract with DSHS must comply with all federal (e.g., [Title VI of the U.S. Civil Rights Act of 1964](#)) and state regulations, as well as contractual requirements pertaining to the provision of language services.

D. LEP Advisor Responsibilities

1. Provide training and guidance to DSHS staff within their administration, regarding interpreter and translation service contracts, and LEP policies and procedures;
2. Monitor the provision of language services within their administration, including interpreter and translation service expenditures; and
3. Represent their respective administrations on the LEP Advisory Committee.
4. Maintain and update the DSHS Master Language Code List and DSHS Master Language Code Exception List
5. Review and approve changes to the DSHS Master Language Code List and DSHS Master Language Code Exception List requested by program areas.
6. Send changes to the DSHS Master Language Code List or DSHS Master Language Code Exception List to the DSHS IT Portfolio Unit so Master Language Code IT Standard 23.1 can be updated.

E. DSHS Staff

1. Verbal Communication

When communicating verbally with an LEP client, DSHS staff determines the most appropriate method for verbal communication.

- a. If an LEP client is not being served directly by an authorized bilingual employee, DSHS will communicate verbally with the client through a contracted interpreter.
- b. When a contracted interpreter is needed, DSHS programs have the option of securing the services of an in-person interpreter or an “over-the-phone” interpreter.

Note: DSHS staff will consider the availability of interpreter resources, the length of the encounter and the effectiveness of telephone based interpreter services when determining which interpreting option is best for a given situation.

- c. DSHS staff may not use children, family members or friends of the client as interpreters.

2. Written Communication

When communicating with LEP clients in writing, DSHS staff determines the most appropriate method for written communication.

- a. Depending on the client needs and circumstances, staff will choose among the following when identifying the form of translated communication to use:
 - i. A fully translated written communication in the client’s primary language;
 - ii. A written summary of the English written communication, indicating the subject and its significance, in the client’s primary language;
 - iii. A note or letter in the client’s primary language that tells the client how to contact DSHS for assistance in understanding the communication; or
 - iv. An oral interpretation of the English written communication.
- b. Staff may consult with their administration’s LEP Advisor for assistance in determining the most appropriate method of written communication.
- c. If DSHS publications or forms need to be translated, DSHS staff will follow the requirements outlined in [Administrative Policy 7.02](#) (Publications) or [Administrative Policy 11.02](#) (Forms).

F. 24-Hour Facilities

Institutions and 24-hour facilities shall have general procedures in place to assist LEP clients with verbal and written communication. Institutions and 24-hour facilities will develop individual plans that take reasonable steps to ensure that because of an inability to speak, read, write or understand English, LEP clients have meaningful access to DSHS services or benefits.

Official DSHS