



FACT SHEET



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Language Assistance to Persons with Limited English Proficiency (LEP).

To ensure that persons with limited English skills can effectively access critical health and social services, the Office for Civil Rights (OCR) published policy guidance which outlines the responsibilities under federal law of health and social services providers who receive Federal financial assistance from HHS to assist people with limited English skills. The guidance explains the basic legal requirements of Title VI of the Civil Rights Act of 1964 (Title VI) and explains what recipients of Federal financial assistance can do to comply with the law. The guidance contains information about best practices and explains how OCR handles complaints and enforces the law. You can print out a copy of the guidance from OCR's website at <http://www.hhs.gov/ocr> or contact one of the OCR Regional Offices listed below.

Background

Title VI and its implementing regulations provide that no person shall be subjected to discrimination on the basis of race, color or national origin under any program or activity that receives Federal financial assistance. The courts have held that Title VI prohibits recipients of Federal financial assistance from denying LEP persons access to programs, on the basis of their national origin.

The Title VI Language Assistance Obligation

Any organization or individual that receives Federal financial assistance, either directly or indirectly, through a grant, contract or subcontract, is covered by Title VI. Examples of covered entities include hospitals, nursing homes, home health agencies, HMOs, health service providers, and human services organizations. All organizations or individuals that are recipients of Federal financial assistance from HHS have an obligation to ensure that LEP persons have meaningful and equal access to benefits and services.

Under Title VI, recipients of Federal financial assistance from HHS must take steps to ensure that LEP persons can meaningfully access health and social services. A program of language assistance should provide for effective communication between the service provider and the LEP person so as to facilitate participation in, and meaningful access to, services.

Compliance With the Language Access Requirement - Summary of Guidance

The key to ensuring meaningful access for LEP persons is effective communication. An agency or provider can ensure effective communication by developing and implementing a comprehensive written language assistance program that includes policies and procedures for identifying and assessing the language needs of its LEP applicants/clients, and that provides for a range of oral language assistance options, notice to LEP persons of the right to language assistance, periodic training of staff, monitoring of the program and, in certain circumstances, the translation of written materials.

Agencies and providers have a number of options for providing oral language assistance. Which option to use will depend on a variety of factors including the frequency of need and size of the population(s) being served. Examples of the options available include:

- Hiring bilingual staff for patient and client contact positions
- Hiring staff interpreters
- Contracting for interpreter services
- Engaging community volunteers
- Contracting with a telephone interpreter service

The necessity to translate written documents also may vary depending on several factors including the size of the population(s) being served and the size of the agency or provider. As part of its overall language assistance program, an agency or provider must develop and implement a plan to provide written materials in languages other than English where a significant number or percentage of the population eligible to be served, or likely to be directly affected, by the program needs services or information in a language other than English to communicate effectively. If the number or percentage of the population eligible to be served is not significant, then the agency or provider may not need to translate written documents. Even when written translations are not dictated by need, agencies and providers still must provide oral interpretation of written documents, if necessary, to ensure meaningful access for a LEP person.

Examples of Prohibited Practices

Examples of practices which may violate Title VI are:

- Providing services to LEP persons that are more limited in scope or are lower in quality than those provided to other persons;
- Subjecting LEP persons to unreasonable delays in the delivery of services;
- Limiting participation in a program or activity on the basis of English proficiency;
- Providing services to LEP persons that are not as effective as those provided to those who are proficient in English; or
- Failing to inform LEP persons of the right to receive free interpreter services and/or requiring LEP persons to provide their own interpreter.

Compliance and Enforcement

OCR will enforce recipients' responsibilities to LEP beneficiaries through procedures provided for in the Title VI regulations. These procedures include complaint investigations, compliance reviews, efforts to secure voluntary compliance and technical assistance. OCR will always provide recipients with the opportunity to come into voluntary compliance prior to initiating formal enforcement proceedings. In determining compliance with Title VI, OCR's concern will be whether the recipient's policies and procedures allow LEP persons to overcome language barriers and participate meaningfully in programs, services and benefits. A recipient's appropriate use of the methods and options discussed in the guidance will be viewed by OCR as evidence of a recipient's intent to comply with Title VI.

Additional Information

Anyone who believes that he/she has been discriminated against because of race, color or national origin may file a complaint with OCR within 180 days of the date on which the discrimination took place. The OCR Regional Offices are listed below: