



Knox – Keene Licensed Health Plans
Language Assistance Program Filing Requirements
May 15, 2008

The following checklist is provided to identify the types of information and documentation the Department expects a health care service plan to file to demonstrate compliance with Knox Keene Act Section 1367.04 and 28 CCR 1300.67.04. The filings required by Rule 1300.67.04(e)(2) should be filed as amendments to a plans' quality assurance program. Based upon the language of Rule 1300.67.04(e)(2), the Department recommends developing a separate policy and procedure specific to its language assistance program. The separate policy and procedure can be in the form of an Executive Summary that addresses all the topics identified below.

Rule 1300.67.04 (c) requires plans to have a language assistance program that is documented in written policies as well as procedures and addresses the following four elements: (1) standards for enrollee assessment; (2) standards for providing language assistance services; (3) standards for staff training; and (4) standards for compliance monitoring. Therefore, the Department would expect to see all four elements addressed in a plan's language assistance program policies and procedures.

1. Enrollee Assessment

The following is the minimum information and/or documentation the Department considers sufficient to demonstrate compliance with Rule 1300.67.04(c)(1)(A),(B), and (C).

- a. A description of the method the plan used to assess its enrollee population to develop a demographic profile including:
 1. How the plan determined the method was statistically valid, and
 2. How the plan collected the demographic data i.e. census data, client utilization data, etc.
- b. The process the plan utilized to survey its enrollees in order to identify each of their linguistic needs.
 1. If the plan complied with the 3rd sentence of 1300.67.04(c)(1)(B), please provide a copy of the disclosure and the date it was distributed.

- c. A description of how the plan summarized and documented its enrollee demographic data.
- d. Provide the assessment results including, the list of threshold languages and percentages, and the race/ ethnicity percentages.

2. Standards for the Provision of Language Assistance Services

The following is the minimum information and/or documentation the Department considers sufficient to demonstrate compliance with Rule 1300.67.04(c)(2)(A) through (H).

- a. The points of contact the plan has identified where the need for language assistance services could be reasonably anticipated.
 - 1. Provide a list of the points of contact (medical and non-medical, plan and provider) the plan has identified and a brief description of the processes the plan used when identifying the points of contact.
- b. Identify the types of resources the plan determined it would need to provide effective language assistance services to its enrollees and how the plan determined what type of language assistance would be needed e.g., Bilingual staff, phone interpreters, in-person interpreters, etc.)
 - 1. Briefly explain the method the plan used to identify the various resources it would need and what the specific resources are i.e. more staff, additional IT, etc.
- c. A description of the plan's processes for informing enrollees of the availability of free language assistance services and how enrollees can access those services. Include a statement of how the Plan informs enrollees who do not speak/read a threshold language of their right to an interpreter.
 - 1. Explain how the plan will effectively identify a Limited English Proficient (LEP) enrollee at points of contact and ensure that LEP enrollees are informed of and provided access to interpretation services.
 - 2. Explain the processes for including notices regarding free language assistance services and how they will be included with all vital documents, enrollment materials, and correspondence regarding new or renewed enrollment.
 - 3. Define the processes for including notices regarding free language assistance services and how they will be included with brochures,

newsletters, outreach and marketing materials, and other materials routinely disseminated to enrollees.

- d. A description of the plan's standards for ensuring LEP enrollees receive information regarding their rights to file a grievance and seek independent medical review in threshold languages and through oral interpretation.
 - 1. Explain the processes for ensuring that grievance forms and procedures in threshold languages are made available directly to enrollees and contracted providers for distribution to enrollees upon request.
 - 2. Explain the processes for ensuring that contracted providers are informed that complaint; grievance and IMR information in non-English languages is available on the Department's web site.
- e. A description of the plan's processes for informing its contracted providers of the standards and mechanisms for providing free language assistance services to enrollees and to ensure that LEP enrollee language needs information collected by the plan is available to contracted providers.
 - 1. Briefly describe the communication plan that will be utilized to communicate language assistance program requirements to contracted provider.
 - 2. Explain how contracted providers are informed of LEP enrollees' language assistance needs.
- f. A description of the plan's processes and standards for providing translation services.
 - 1. Include a list of the threshold languages identified by the plan.
 - 2. Include a list of the standardized and enrollee specific vital documents that must be translated and the standards for making these documents available to enrollees.
 - 3. Describe how the plan will provide translated vital documents to enrollees at no charge.
 - 4. Explain how the plan will ensure that non-English translations of vital documents will meet the same standards as English language versions of those documents.
 - 5. Include a description of how, for non-standardized vital documents, the plan will provide, with the English version of the document, a written

notice of the availability of interpretation and translation services. Include a sample of the notice in English and in threshold languages.

6. Explain how the plan will ensure any requested translations are provided in accordance with Section 1367.04.

g. A description of the plan's processes and standards for providing individual enrollees with free interpretation services at all points of contact.

1. Include a list of the non-English languages likely to be encountered among the plan's enrollees and any preparation needed in different geographic areas to respond to these language needs.

2. Explain how the plan will provide LEP enrollees with interpretation services to explain to enrollees the information contained in plan produced-documents that are not in the enrollee's language.

3. Include a requirement that interpretation services be offered to LEP enrollees for free, at all points of contact, even if the enrollee is accompanied by a family member or friend who can interpret. Also, explain how the offer of an interpreter, and enrollee's denial, if declined, will be included in the medical record or health plan file, as applicable.

4. Full service plans should include a description of the process developed to ensure LEP enrollees can obtain the plan's assistance in arranging for the provision of timely interpretation services at all points of contact including those subject to a federal or state law who also require interpretation services at the point of contact.

5. Describe the arrangements the plan will make to provide or arrange for timely, free interpretation services to LEP enrollees at all points of contact where language assistance may be needed.

6. Identify the range of interpretation services that will be provided to enrollees as appropriate for the particular point of contact. The range of services may include the following:

(a) Arranging for the availability of bilingual plan or provider staff who are trained and competent in the skill of interpreting;

(b) Hiring staff interpreters who are trained and competent in the skill of interpreting;

(c) Contracting with an outside interpreter service for trained and competent interpreters;

(d) Arranging formally for the services of voluntary community interpreters who are trained and competent in the skill of interpreting; and

(e) Contracting for telephone, video conferencing or other telecommunications supported language interpretation services.

h. A description of the plan's policies and standards for ensuring the proficiency of the plan's translators and interpreters.

a. Explain the process the plan will use to ensure interpreters and translators have a documented and demonstrated proficiency in English and the other language.

b. Explain how the plan will confirm translators and interpreters have a fundamental knowledge in both languages of health care terms and the concepts relevant to health care delivery systems.

c. Describe how the plan will ensure that interpreters have the appropriate education and training in interpreting ethics, conduct including consideration of cultural sensitivity and confidentiality.

3. Standards for Staff Training

The following is the minimum information the Department considers sufficient to demonstrate compliance with Rule 1300.67.04(c)(3)(A) through (D).

a. A description of the system the plan will use to ensure adequate training of plan staff that will have regular contact with LEP enrollees.

1. Confirm plan staff will be instructed on the plan's policies and procedures for providing language assistance.

2. Confirm staff will be trained to work effectively with LEP enrollees.

3. Confirm the training will explain how to work effectively with interpreters in person and through video, telephone and other media, as may be applicable.

4. Confirm the training will include instruction on understanding the cultural diversity of the plan's enrollee population and sensitivity to cultural differences relevant to delivery of health care interpretation services.

4. Standards for Monitoring Compliance

The following is the minimum information the Department considers sufficient to demonstrate compliance with Rule 1300.67.04(c)(4)(A)

a. A description of the processes and procedures the plan will use to monitor its language assistance program, including delegate programs, to ensure compliance with Section 1367.04 and Rule 1300.67.04.

1. Explain how the plan will monitor its language assistance program, including the delegated programs.
2. Explain how the plan will identify, evaluate, and implement any necessary modifications to ensure on-going compliance.

Documents to Include with the Plan's Language Assistance Filing

1. The notice(s) advising limited-English-proficient persons of the availability of free language assistance required by Section 1367.04(b)(1)(B)(v).
2. Results of the surveys and demographic profile, and analyses of those data, the training curricula for staff, and the plan's criteria for evaluating interpreter/translator competencies.

Documents Not to be Included in the Plan's July 1, 2008 Language Assistance Filing

1. Exhibits K, N, P, Q, S, T, and U. Any necessary changes to these Exhibits should be routed to Licensing counsel in a separate filing according to a plan's normal filing schedule. For example, if a plan files its Exhibit U every November, just incorporate any language assistance related changes into that filing.
2. Copies of all translated vital documents. Note that the Department reserves the right to request these documents either in the course of the filing review or during a routine audit.
3. Vendor contracts for the provision of language assistance services (interpreter and translation services.) Again, the Department reserves the right to request these documents either in the course of the filing review or during a routine audit.