



Medicare Part D and the Low-Income Subsidy

Best Practices for Reaching Out and Serving Limited English Proficient (LEP) Clients

Tips for SHIP/HICAPs, Community Non-Profits and Government Agencies

This handout provides a checklist for organizations that assist clients with Medicare Part D and the low-income subsidy so they may better serve LEP beneficiaries. Under federal law and guidance, all organizations receiving federal funds are required to evaluate language needs and develop plans to assist LEP beneficiaries, as well as to notify LEP persons of their right to assistance.¹ Though not a substitute for a comprehensive plan, this checklist will help organizations improve their outreach and service to LEP beneficiaries while they build a more tailored plan to address their specific circumstances.

Office Environment and Culture

Signage

- Bilingual or multilingual culturally sensitive signs, at the appropriate literacy level, are posted describing services and procedures for LEP beneficiaries, including how to access interpreters and translated materials, and how to file complaints if they have problems receiving language assistance services.
- Signs are located so they can be seen easily in reception area and waiting rooms, and any areas where LEP patients would need them. Typesize is adequately large.

Staff/Volunteer Training

- All staff and volunteers, including organizational management as well as direct service providers and receptionists, are aware of the organization's obligations and commitment to serve LEP beneficiaries.
- All staff and volunteers, including reception and intake staff as well as service providers, know how to access 1) telephone interpreters (including knowing how to communicate effectively through an interpreter); 2) bilingual staff/volunteers or contracted interpreters; and 3) translated signs/materials as needed.
- Procedures are in place to record the language needs of the LEP beneficiaries in their files so any future language assistance needs can be met.
- All staff and volunteers have undergone cultural competency training to ensure that they are adequately prepared to work with diverse cultures and treat all individuals with dignity and respect.
- All staff and volunteers have regular opportunities for continuing to learn about cultural awareness, cultural sensitivity and customer service principles.

¹ These requirements apply to organizations and government entities who receive funding from the Department of Health and Human Services, including the Administration on Aging. See <http://www.usdoj.gov/crt/cor/lep/hhsrevisedlepguidance.html>. Requirements for grantees of other federal agencies may also apply; see http://www.lep.gov/guidance/guidance_index.html.

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- All bilingual staff/volunteers who act as interpreters, including in-person or contracted interpreters, are qualified and competent, which means they are fluent in both the target language and English, have knowledge of any necessary terminology and interpreter skills, and have been trained in the role of interpreters and related ethical issues of interpreters.

Communications

In-Person

- Staff and volunteers are trained in methods to identify languages needed, and are ready to provide assistance in the same manner as they would for a fluent English speaker using language identification cards, bilingual staff, interpreters, telephone language lines, translated materials, and/or other methods.

Telephone

- Organizational voicemail is equipped with bilingual/multilingual outgoing messages.
- Live operators are trained to identify languages needed (or can quickly connect with resources/language line contractors who can) and are ready to provide assistance in the same manner as for a fluent English speaker using bilingual staff, interpreters, telephone language lines, and/or other methods.
- If telephone language line contractors are used, the organization ensures the contractor's interpreters have the necessary training in relevant subject areas including: terminology such as health care or enrollment terms, HIPAA, confidentiality, ethics, standards of practice, etc.
- If telephone language line contractors are used, the organization uses evaluation methods to check the quality of interpretation, the interpreter's familiarity with technical terms, and the interpreter's compliance with confidentiality requirements.

Websites

- Websites for the general public are bilingually or multilingually accessible to the extent possible; instructions for alternative access are clearly communicated.

Written Communications

- Written communications are translated into languages as needed, and distributed appropriately. Sight translations are provided when translation is not practicable. When allocating resources to translation, the organization considers the population it serves and which documents or parts of documents are most vital to recipients.
- Communications in English have "taglines" in appropriate languages to indicate availability of translations and interpretation and how to access these services.
- Organizations that regularly communicate in writing identify a client's preferred written language and send materials in the preferred language.

Outreach Efforts

Partnerships

- Through outreach, the organization develops partnerships that work collaboratively with appropriate community-based organizations to improve the way the organization serves LEP communities.

- In partnerships with ethnic media, the organization advertises free, available language assistance services.

Distribution of materials

- The organization distributes any translated materials within the community and advertises their availability. All organizational staff members know what translated materials are available and promote their use.

Reputation with community leaders

- The organization identifies community leaders and works with them to assist LEP individuals in the community.

Interaction with Medicare and Private Medicare Plans

In order both to represent LEP clients effectively and to empower LEP clients to deal directly with government agencies and health plans, staff and volunteers should become familiar with the language access obligations of those entities and with the avenues to file complaints if those obligations are not met.

- Staff and volunteers are aware of the obligations of private insurance companies offering Medicare Part D and Medicare Advantage coverage to serve LEP members and potential members.
- Staff and volunteers are aware of SSA's commitment to provide interpreters and translators. See: <http://www.ssa.gov/multilanguage/LEPPlan2.htm>.
- Staff and volunteers are aware of CMS's obligation to serve LEP Medicare beneficiaries. See: <http://www.hhs.gov/ocr/civilrights/resources/specialtopics/lep/lepstrategicplan2000.pdf>.
- Staff and volunteers know how to file a complaint with CMS if LEP beneficiaries are not properly served by 1-800-MEDICARE or a plan call center, or are not provided with translated materials upon request. See <http://www.nsclc.org/areas/medicare-part-d/advocate>.

Long Term Organizational Commitments

LEP Plan

- The organization has undertaken or has plans to develop a more comprehensive LEP plan when required by federal law (see footnote 1). Such a plan should include elements such as an assessment of languages needed and resources available; development of an ongoing language access plan (including monitoring and updating provisions); provision for appropriate translation and interpretation services; complaint procedures; non-discrimination policies; notice to LEP beneficiaries of

available language assistance services, and training of staff and interpreters as described above.

Policies and Procedures, Hiring and Retention

- Organizational policies and procedures are reviewed and updated to reflect the LEP plan and its impact on outreach/delivery of services to diverse communities.
- Hiring and retention policies for staff/volunteers appropriately reflect need for diverse workforce reflecting constituencies for effective outreach and service.

Helpful Resources

Language Assistance Self-Assessment and Planning Tool for Recipients of Federal Financial Assistance. Federal Interagency Working Group on LEP, <http://www.lep.gov/selfassesstool.htm>.

On Choosing a Language Access Provider, Federal Interagency Working Group on LEP, <http://www.lep.gov/resources/leptatool.htm>.

How to Choose and Use a Language Agency: A Guide for Health and Social Service Providers on Who Wish to Contract With Language Agencies, The California Endowment, http://www.calendow.org/Collection_Publications.aspx?coll_id=22&ItemID=312#

Executive Order 13166, Limited English Proficiency Resource Document: Tips and Tools from the Field. U.S. Department of Justice Civil Rights Division. http://www.lep.gov/guidance/tips_and_tools-9-21-04.htm.

Glossary of Terms: WIA Services for Individuals with Limited English Proficiency. U.S. Department of Labor, Employment and Training Administration, <http://www.doleta.gov/reports/pdf/English-Spanish.pdf>. (Glossary has translations of many common terms).

National Health Law Program, Language Access Resource Library. http://www.healthlaw.org/library/folder.56882-Language_Access_Resources.

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