



**ADMINISTRATIVE POLICY NO. 7.21
(Formerly 7.07)**

SUBJECT: Access to Services for Clients who are Limited English Proficient (LEP)

INFORMATION CONTACT: Diversity Affairs Office
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AUTHORIZING SOURCE: Office of the Secretary
DSHS Administrative Policy 7.04
Revised Code of Washington (RCW 74.04.025)
Title VI of the Civil Rights Act of 1964

EFFECTIVE DATE: June 1, 1989

REVISED: August 20, 2004

APPROVED BY: 
Chief Administrative Officer

SUNSET REVIEW DATE: August 20, 2006

PURPOSE:

This policy ensures equal access to programs and services provided by the Department of Social and Health Services (DSHS) to eligible Limited English Proficient (LEP) clients. This policy establishes and maintains standards for DSHS employees.

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 who provide services to DSHS clients who are Limited English Proficient.

DEFINITIONS:

Certified Bilingual Employee - A DSHS staff member who has passed the required DSHS language examination 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 language examination, or has passed a DSHS recognized language examination offered by another organization.

Certified or Authorized Translator - A person who has passed the required DSHS written translation examination (in the certified languages, as updated {see chapter 388.03 WAC}) 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.

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

Language Interpreter and Translator Code of Professional Conduct - DSHS established standards to be met by interpreters and translators when providing language services to DSHS programs and clients. (See attachment.)

Language Testing and Certification Program - The unit within the Administrative Services Division, Office of Administrative Resources responsible for the administration of testing and certification for 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 Cluster Coordinator - A person assigned by the assistant secretary of each DSHS administration to coordinate language services for LEP clients.

Primary Language - The language that a client identifies as the language in which he or she communicates verbally and/or in writing.

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

POLICY:

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

In accordance with WAC, RCW and legal agreements, DSHS employees, organizational units, programs and services must ensure that LEP clients are given equal access to DSHS services and programs.

Language services are provided through one or more of the following methods:

1. Direct provision of services by certified bilingual employees in accordance with Personnel Policy 514;
2. Contracted interpreters (in person or over the phone); and
3. Contracted document translation services.

B. DSHS Staff Responsibilities

DSHS Staff who work with clients must:

1. Identify LEP clients as early as possible during initial contact;
2. Identify and record the client's primary language, using the standard DSHS two-letter language code;
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.
4. Ensure that effective language services are provided to LEP clients. Contracted language services must be provided in accordance with the Language Interpreter and Translator Code of Professional Conduct.

C. DSHS Administration Responsibilities

Each Administration in DSHS must:

1. Develop and implement policies and procedures for providing interpreter and translation services for their specific administration;
2. Arrange for DSHS staff training that informs staff of LEP-related laws and agreements, and promotes proficiency in working with LEP clients and interpreters;
3. Post multilingual signs in DSHS client waiting areas that explain the availability, at no cost to the client, of interpreter services; and
4. Include language in service provider contracts advising contracted service providers of their responsibility to provide or arrange for language services.

Note: Service providers under contract with DSHS must ensure equal access to DSHS clients receiving services. They 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. Verbal Communication

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

1. 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.
2. DSHS programs may secure the services of an in-person interpreter or, if appropriate, an "over-the phone" interpreter when needed.

3. DSHS staff must 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.

Note: Children, family members and friends may not be used as interpreters.

E. Written Communication

When communicating with LEP clients in writing, DSHS staff, in accordance with federal and state laws and legal agreements, must determine the most appropriate method for written communication.

1. Staff must choose among the following methods, considering which is the most appropriate for the client and situation:
 - a. Provide fully translated written communication in the client's primary language;
 - b. Provide a written summary of the written communication, indicating the subject of the communication and its significance, in the client's primary language;
 - c. Provide a note or letter in the client's primary language that provides method(s) of contacting DSHS for assistance in understanding the communication; or
 - d. Provide an oral interpretation of the written communication.
2. Staff may consult with their administration's LEP Cluster Coordinator for assistance in determining the most appropriate method for communicating in writing.
3. If DSHS publications or forms need to be translated, DSHS staff must follow the requirements outlined in Administrative Policy 7.02 (Publications) or Administrative Policy 11.02 (Forms).

F. Language Testing and Certification Unit Responsibilities

The Language Testing and Certification Unit is responsible for:

1. Establishing systems, methods, and procedures for certifying, screening and/or evaluating the language skills of bilingual employees, interpreters and translators;
2. Ensuring that bilingual employees, interpreters and translators are notified of the DSHS Language Interpreter and Translator Code of Professional Conduct; and
3. Maintaining and providing upon request lists of certified and/or authorized bilingual employees, interpreters and translators.

G. LEP Cluster Coordinator Responsibilities

The LEP Cluster Coordinator Group is responsible for:

1. Developing and implementing department-wide policies, procedures, and systems to ensure equal access to programs and services for LEP clients;

2. Developing, implementing, and monitoring interpreter and translation service contracts used by DSHS to ensure equal access to programs and services for LEP clients;
3. Training and providing guidance to DSHS staff regarding interpreter and translation service contracts, and LEP policies and procedures; and
4. Monitoring the provision of language services within each administration.

Language Interpreter and Translator Code of Professional Conduct

1. Accuracy
Interpreters/translators shall always thoroughly and faithfully render the source language message, omitting or adding nothing, giving consideration to linguistic variations in both source and target languages, conserving the tone and spirit of the source language message.
2. Cultural Sensitivity -- Courtesy
Interpreters/translators shall be culturally competent, sensitive, and respectful of the individuals they serve.
3. Confidentiality
Interpreters/translators shall not divulge any information obtained through their assignments, including but not limited to, information gained through access to documents or other written materials.
4. Disclosure
Interpreters/translators shall not publicly discuss, report, or offer an opinion concerning matters in which they are or have been engaged, even when that information is not privileged by law to be confidential.
5. Proficiency
Interpreters/translators shall meet the minimum proficiency standard set by DSHS.
6. Compensation
The fee schedule agreed to between the contracted language services providers and the department shall be the maximum compensation accepted. Interpreters/translators shall not accept additional money, considerations, or favors for services reimbursed by the department. Interpreters/translators shall not use for private or others' gain or advantage; the department's time or facilities, equipment or supplies, nor shall they use or attempt to use their position to secure privileges or exemptions.
7. Non-discrimination
Interpreters/translators shall always be neutral, impartial and unbiased. Interpreters/translators shall not discriminate on the basis of gender, disability, race, color, national origin, age, socio-economic or educational status, or religious, political, or sexual orientation. If interpreters/translators are unable to ethically perform in a given situation, the interpreters/translators shall refuse or withdraw from the assignment without threat or retaliation.
8. Self-evaluation
Interpreters/translators shall accurately and completely represent their certifications, training, and experience.

9. Impartiality -- Conflict of Interest
Interpreters/translators shall disclose any real or perceived conflict of interest that would affect their objectivity in the delivery of service. Providing interpreter/translation services for family members or friends may violate the individual's right to confidentiality, constitute a conflict of interest, or violate a DSHS contract or subcontract.
10. Professional Demeanor
Interpreters/translators shall be punctual, prepared, and dressed in a manner appropriate, and not distracting, for the situation.
11. Scope of Practice
Interpreters/translators shall not counsel, refer, give advice, or express personal opinions to individuals for whom they are interpreting/translating, or engage in any other activities that may be construed to constitute a service other than interpreting/translating. Interpreters are prohibited from having unsupervised access to clients, including but not limited to phoning clients directly, other than at the request of a DSHS employee or DSHS-contracted service provider (e.g., medical provider). Interpreters are also prohibited from marketing their interpreter services to clients, including but not limited to, arranging services or appointments for clients in order to create business for themselves. Additionally, interpreters shall not transport DSHS clients for any DSHS business, including social service or medical appointments.
12. Reporting Obstacles to Practice
Interpreters/translators shall assess at all times their ability to interpret/translate. Should interpreters/translators have any reservations about their competency, they must immediately notify the parties and offer to withdraw without threat of retaliation. Interpreters/translators may remain until more appropriate interpreters/translators can be secured.
13. Ethical Violations
Interpreters/translators shall immediately withdraw from encounters they perceive as violations of this Code. Any violation of the Code of Professional Conduct may cause termination of the contract and/or prohibition from serving DSHS clients.
14. Professional Development
Interpreters/translators shall develop their skills and knowledge through professional training, continuing education, and interaction with colleagues, and specialists in related fields.

THIS CODE APPLIES TO ALL PERSONS PROVIDING LANGUAGE INTERPRETING OR TRANSLATION SERVICES AND MUST BE COMPLIED WITH AT ALL TIMES.