

BAY-ARENAC BEHAVIORAL HEALTH POLICIES AND PROCEDURES MANUAL

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| Chapter: 3 | Member Rights and Responsibilities Bay-Arenac Behavioral Health | | |
| Section: 8 | Customer Services | | |
| Topic: 6 | Accommodations for Cultural Competency, Limited English Proficiency, and Communications | | |
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Policy

It is the policy of Bay-Arenac Behavioral Health Authority (BABHA) that all mental health services shall reflect an ongoing commitment to accommodate cultural and linguistic diversity in order to ensure access and meaningful participation for all people in the service area. This includes accommodations for alternative communication methods.

Purpose

This policy and procedure is established to comply with federal and state requirements to promote the delivery of services in a competent manner to all enrollees, including those with limited English proficiency, diverse cultural and ethnic backgrounds, and special communication needs.

Education Applies to

- All BABH Staff
- Selected BABH Staff, as follows:
- All Contracted Providers: Policy Only Policy and Procedure
- Selected Contracted Providers, as follows:
 - Policy Only Policy and Procedure
- Other:

Definitions

Limited English Proficiency (LEP): The inability to speak, read, write or understand English at a level that permits effective interaction with health care providers. LEP is the responsibility of providers of health and social services who receive Federal Financial Assistance from the U.S. Department of Health and Human Services.

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Accommodations: Internal or external resources needed to ensure the consumer is afforded meaningful access to services at no cost to the consumer. Examples include, augmentative communication specialists, voice interpreters, interpreter/translation services, etc.

Cultural Competency: An ongoing process by which individuals and systems respond respectfully and effectively to all people in a manner that recognizes, affirms and values diverse populations.

Population Eligible for or Likely Impacted by the Program or Services: Those persons who are in the geographic area that has been approved as the service provider’s service area, and who are either eligible for benefits or services provided by the entity, or otherwise, are directly affected by such an entity’s policies and practices. An example is a parent who is seeking services for a child. The child is the one who is eligible for services, but the parent is also impacted by the entity’s policies and practices.

Procedure

Cultural Competency/Limited English Proficiency

1. BABHA will implement a method of community assessment that:
 - Identifies all non-English languages and ethnic and cultural backgrounds that their programs are likely to encounter by estimating the number of LEP persons, and persons from other cultures, who are eligible for services. Identification can take place by using census data, consumer utilization data from consumer files, and data from school systems, community agencies, and organizations.
 - Identifies the language and cultural needs of each consumer and records this information in the consumer’s file. [In order to note this in the record, staff need to fill out the “chart notes/health and safety warning” form in the electronic health record with the specific information, which creates the banner at the top of the individual’s electronic chart in Phoenix.](#)

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- Identifies the points of contact where language and other assistance is needed by persons eligible for services.
 - Identifies the resources needed to provide effective language assistance, the availability and location of resources, and the arrangements needed to make access to these resources efficient and timely.
2. BABHA will have a written plan that reflects a commitment to provide services in a manner that respects language and cultural diversity. This plan will ensure that agency interactions with persons with LEP, or cultural differences, are as effective as its interactions with others. This includes affirmative efforts to ensure the cultural competency of provider staff. This plan must include:
- Policies and procedures for obtaining and providing trained and competent interpreters and other language assistance services.
 - Identification, development, and implementation of a plan to provide written materials in languages other than English, when a significant number or percentage of the population eligible for services will need information in those languages.
 - For the determination of significant language differences within Bay and Arenac counties BABHA will use the definitions from the reference, “Policy Guidance, Title VI Prohibition against National Origin Discrimination as It Affects Persons with Limited English Proficiency,” [and the PIHP, “LEP Analysis From the 2000 Census.”](#) (See related attachments). (See [County Population – Predominant Races; Gender Identification, Expression and Identity; Percentage of Population Speaking Languages \(other than English\) at Home; Composition of Predominant Non-White Ethnicities, Comparing County Populations, Persons Served and BABHA Personnel data in BABHA’s Cultural Competency - Diversity Plan.](#))
 - BABHA and all contracted providers will have notices of their Non-Discrimination Statement noting that the agency complies with applicable Federal civil rights laws and does not discriminate on the basis of race, color, national origin, age, disability, or sex/[gender identity/gender expression](#).

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The Federal Policy of Guidance includes the following as examples of vital written documents:

- Consent forms
 - Letters containing information regarding participation in a program or service
 - Notices pertaining to the reduction, denial, or termination of services or benefits
 - Communications on the right to appeal actions, or that require a response from the consumer
 - Notices advising the consumer of the availability of free language assistance in all non-English languages that affiliates can reasonably expect to encounter.
3. ACA/OCR Required “Taglines” informing individuals with limited English proficiency of language assistance services translated into the top fifteen (15) languages spoken in Michigan will be posted in common areas available to the public at every BABHA direct operated and contracted site. [Example: ATTENTION: If you speak [insert language], language assistance services, free of charge, are available to you. Call 1-xxx-xxx-xxxx (TTY: 1-xxx-xxx-xxxx). BABHA will develop and implement a method of service assessment and monitoring to ensure that current policies and procedures related to language proficiency and cultural competency are effective and viable. Assessment and monitoring will take place at least annually and will:
- Seek feedback from consumers and employees
 - Review the current LEP and cultural diversity of the service area
 - Determine whether staff is knowledgeable about LEP and cultural competency policies and procedures and how to implement them
4. All new staff will receive, during orientation, training on cultural competence and LEP policies and procedures. Annually all staff will receive updated training on cultural competence. Staff will receive ongoing training in LEP policies and procedures. Affiliates will maintain documentation of training that includes the staff person’s name and the dates of training. The components of the training shall include:

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- An overview of the LEP policies and procedures
 - An overview of cultural competency policies and procedures
 - Overall awareness of cultural competency and issues involved, including, but not limited to, ethnic/racial backgrounds, gender culturalization, socioeconomic/education status, sexual orientation, physical capacity, age, spiritual/religious beliefs, regional perspectives and multi-cultural influences.
5. BABHA will evaluate the overall effectiveness of cultural competency and language proficiency efforts through monitoring and periodic evaluation. Monitoring will explore whether the current cultural and linguistic competencies of the service provider accurately reflect the diversity of the service area. Annual monitoring for outcomes will also include information on consumer grievances related to LEP and cultural competency.

Alternative Communication Formats:

1. BABHA will provide programs and services in a manner that assures those programs and services are equally accessible to all individuals using alternative methods of communication.
 - a. VOICE interpreting – This is a face-to-face interpreting option. This must be requested and scheduled through the RR/CS Department. Staff must allow at least two weeks’ notice of request prior to scheduling. VOICE offers ASL, Spanish, and other languages available but must inquire as to current options.
 - b. Bromberg & Associates – This is Telephonic Interpreting which is available in the moment with 24/7 availability. There is no planning ahead required but this option can be used to schedule ahead of time. (See Bromberg & Associates Telephonic Interpreting card.)
 - c. Microsoft Teams Captioning - Microsoft Teams has a Caption Option. The feature will transcribe the designated site clinician’s verbal conversation. The receiving site individual is then able to respond verbally if they are verbal OR they can type their response in the Chat Feature. The Chat Feature can be used for back-and-forth communication as needed. Below are screenshots showing how to turn on live captions. This will be the same for an Android or iPhone. This should

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[be available to ALL users. The BABH Help Desk can be contacted for troubleshooting. \(989-895-2317\).](#)

[4.d. Doxy.me - Doxy.Me can also be used in the same way. Turn on Live Captions and then use the Chat Feature to communicate with individuals who are non-verbal.](#)

2. BABHA will present materials in a manner appropriate to the individual’s condition and ability to understand. They shall provide all informational materials in a manner and format that is easily understood and is written at a fourth-grade reading level (it is understood that some necessary information such as diagnosis, medication and conditions may not meet this criteria).
3. BABHA will make available written materials and vital documents in alternative formats that address the special needs of consumers, at no cost to the consumer, for example, providing materials and vital documents in Braille or on audio tapes for consumers who have an impairment that impacts their ability to effectively communicate due to limitations in vision or hearing.
4. BABHA will have procedures in place for educating and training staff regarding the availability and processes to obtain information in alternative formats.

Attachments

Policy Guidance, Title VI Prohibition against National Origin Discrimination as It Affects Persons with Limited English Proficiency
LEP Analysis from 2010 Census

Related Forms

N/A

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Related Materials

MSHN Customer Service Handbook “Your Guide to Services”

References/Legal Authority

Medicaid Managed Specialty Supports and Services concurrent 1915(b)/(c) Waiver Program FY17

Michigan Department of Health and Human Services/Community Mental Health Services Programs Managed Mental Health Supports and Services contract FY17

Guidance Memorandum, January 29, 1998, Title VI Prohibition Against National Origin Discrimination – Persons with Limited-English Proficiency

LEP Press Release, HHS News, US Department of Health and Human Services, Office for Civil Rights, 8/30/00

Federal Register, volume 67, No. 115, part 438.206 – Availability of services.

1. Policy Guidance, Title VI Prohibition Against National Origin Discrimination As It Affects Persons with Limited English Proficiency

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| SUBMISSION FORM | | | | |
|-------------------------------------|--|-----------------------------|---|---|
| AUTHOR/ REVIEWER | APPROVING BODY/COMMITTEE/ SUPERVISOR | APPROVAL /REVIEW DATE | ACTION (Deletion, New, No Changes, Replacement or Revision) | REASON FOR ACTION - If replacement list policy to be replaced |
| Christopher Pinter-Janelle Steckley | AAM Leadership Council | 2/15/08 | Revision | Remove PIHP language. Move from chapter 11 Access Alliance of Michigan, Section 5 to Chapter 3, Member Rights and Responsibilities, Section 8 |
| Kim Cereske | Kim Cereske | 6/30/11 | Revision | Revision necessary to meet Federal Medicaid standards |
| Kim Cereske | Melissa Neering | 5/14/15 | Revision | Clarifying words to reflect CA with MH |
| Melissa Prusi | Christopher Pinter | 12/15/15 | Revision | Review and Update to reflect current PIHP |
| Melissa Prusi | Christopher Pinter | 6/30/16 | Revision | Triennial Review-updated titles and acronyms, remove language regarding substance use disorder |
| Melissa Prusi | Christopher Pinter | 05/10/2017 | Revision | Update to include ACA/OCR tagline requirements. |
| Melissa Prusi | Christopher Pinter | 6/12/19 | Revision | Triennial review- non-discrimination statement information added. |
| Melissa Prusi | Christopher Pinter | 11/01/2020 | No changes | Annual Review |
| Melissa Prusi | Christopher Pinter | 07/29/2021 | No changes | Annual Review |
| Melisa Prusi | Christopher Pinter | 02/15/2024 | Revision | Triennial Review – Adding LEP/Interpreter/ Cultural Competence information update. |