

## Limited English Proficiency (LEP) Plan

### Avivo Purpose

The purpose of this plan is to document the policies and procedures as it applies to providing meaningful access (language access) to individuals with Limited English Proficiency (LEP) while accessing services and information at **Avivo** in Minneapolis, MN.

#### 1. Authorities

- Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000 et seq.; 45 CFR §80, Nondiscrimination Under Programs Receiving Federal Financial Assistance through the U.S. Department of Health and Human Services Effectuation of Title VI of the Civil Rights Act of 1964.
- Section 1557 of the Affordable Care Act (ACA) (Section 1557).  
<https://www.gpo.gov/fdsys/pkg/FR-2016-05-18/pdf/2016-11458.pdf>
- Office for Civil Rights Policy Guidance, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 68FR 47311 (2003).  
<http://www.hhs.gov/ocr/civilrights/resources/specialtopics/lep/policyguidancedocument.html>
- Department of Justice regulation, 28 CFR §42.405(d)(1), Department of Justice, Coordination of Enforcement of Non-discrimination in Federally Assisted Programs, Requirements for Translation.  
[http://www.justice.gov/crt/grants\\_statutes/corregt6.txt](http://www.justice.gov/crt/grants_statutes/corregt6.txt)
- Bilingual requirements in the Food Stamp program, 7 CFR §272.4 U.S. Department of Agriculture, Food and Consumer Service. <http://www.gpo.gov/fdsys/pkg/CFR-1998-title7-vol4/pdf/CFR-1998-title7-vol4-sec272-4.pdf>
- Communications Services, Minnesota Status § 15.441, subd (1), (2), (3), (4).  
<https://www.revisor.leg.state.mn.us/statutes/?id=15.441&format=pdf>
- Information for persons with limited English language proficiency, Minnesota Status §256.01 subd 16. <https://www.revisor.mn.gov/statutes/?id=256.01>

#### 2. Definitions

- **Culturally appropriate services** – Is the utilization or application of services, testing, and any other methodology that does not have the effect of subjecting individuals with LEP, and/or their families to discrimination because of their race, color, or national origin, or do not have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin.- 45 CFR 80.3(b)(2).
- **Effective communication** - In a healthcare delivery setting such as Human Services, effective communication occurs when provider staff have taken the necessary steps to make sure that a person with Limited English Proficiency is given adequate information to understand the services and benefits available and receives the information and services for which they are eligible. Effective communication also means that a person with Limited English Proficiency (LEP) is able to communicate

the relevant circumstances of their situation to the provider, and for the provider has access to the adequate information to do their job.

- **I Speak Cards** - “I Speak” Cards say both in English and target language “I need a (target language) interpreter.”
- **Individual with Limited English Proficiency (LEP)** – A person with Limited English Proficiency or “LEP” is not able to speak, read, write or understand the English language well enough to allow them to interact effectively with healthcare, social services agencies, and other providers.
- **Interpreting** - Interpreting means the oral, verbal or spoken transfer of a message from the source language into the target language. There are different modes of interpreting such as consecutive, simultaneous, sight-translation, and summarization.
- **Language Block** – Is a block of text that informs readers, in ten different languages, how they can get free help interpreting the information on a particular document or included as an insert in appropriate documents.
- **LEP Implementation Team** - Individuals who hold Director Positions and the executive leadership team who review LEP Implementation activities within RESOURCE, Inc.
- **Meaningful access** - Meaningful access to programs, information, and services is the standard of access required of federally funded entities to comply with language access requirements of Title VI of the Civil Rights Act of 1964. To ensure meaningful access for individuals with Limited English Proficiency, service providers must make available to clients, patients and their families language assistance that is free of charge and without undue delay resulting in accurate and effective communication.
- **Office for Civil Rights (OCR)** - The Office for Civil Rights is the civil rights enforcement agency of the U.S. Department of Health and Human Services. OCR Region V is the regional office that enforces Title VI in Minnesota for health and human services agencies and providers.
- **Primary languages** - Primary languages are the languages other than English that are most commonly spoken by clientele as identified by RESOURCE, Inc. Currently there are 21 primary languages, predominantly Somali, Swahili and Hmong.
- **Qualified Interpreter** - A person who either has met training and competency requirements or who is a certified healthcare interpreter and in good standing before their certifying body, and adheres to the interpreter code of ethics as delineated in Section C and the National Code of Ethics and Standards of Practice for Interpreters in Health Care (National Council on Interpreting in Health Care – NCIHC).
- **Sight translation** - The verbal translation (transfer) of a written document from the source language into the target language.

- **Translation** - Translation means the written transfer of a message from the source language into the target language.

### **3. Methods of Providing Services to individuals with LEP**

The primary methods used are:

Avivo employs many qualified bilingual staff to provide services to limited English enrollees and works with local interpreter service groups. Staff list and languages are available on request. Many of our documents and signage are written in languages specific to our client base, predominantly Somali and Hmong. Posters and interpreter cards are displayed in lobby or common areas at all locations and made available to guests.

**Contracted Qualified Interpreters:** Avivo utilizes the services of Arch Language Services, The Bridge, Global Interpreting and Bora Leng International Translation Bureau to meet the needs of limited English clients and guests. Funding is made available to purchase these services timely when needed.

**Telephone Interpreter Services:** Avivo contracts with Language Line for immediate access to interpreters.

**Video Remote Interpreting (VRI) Services:** Avivo does not use any VRI services

**LEP Liaison & Coordinator:** Julie Kizlik, Director - 612-752-8630.

### **4. Interpreter Services**

Avivo without undue delay and at no cost to individuals with LEP and/or their families, provides meaningful access to information and service to all individuals with LEP and/or their families receiving services.

### **5. Translation of Documents**

Avivo contracts qualified translators or translating agencies to assist individuals with LEP in translating all vital documents, or documents needed to perform services.

### **6. Dissemination and Mandatory Training to Agency Staff, Volunteers, and Others**

Avivo is committed to providing LEP training to:

- All staff, volunteers, contractors and interns at new employee orientations.
- At least once a year to all staff, volunteers, and contractors

Avivo will keep record of those training sessions and individual record of attendance to training will be part of personnel files. Record of this training will be kept for a minimum of five years and readily available during DHS audits, investigations, or any proceeding and as required by the law.

This training is to include at least the following:

- Title VI of the Civil Rights Act of 1964
- How to work effectively with interpreters, and

- Any other cultural competency themes related to delivery of information and services to individuals with LEP served by Avivo.

This policy is added to the Manual of Policies and Procedures of Avivo.

### **Dissemination of Language Access Information in Public Areas**

Avivo makes available to individuals with LEP:

- Notice of language access services by posting in public areas the “[Language Poster](#)”, available through DHS public Web site (<https://edocs.dhs.state.mn.us/lfserver/Legacy/DHS-4739-ENG> )
- “[I need an interpreter](#)” card available in ten languages and from DHS public Web site (<https://edocs.dhs.state.mn.us/lfserver/Legacy/DHS-4374-ENG> )

### **7. Annual Review of LEP Plan**

Avivo reviews annually its LEP plan to adjust or modify its contingencies based on demographic data collected by Avivo during its delivery of information and services to individuals with LEP throughout the year.

Avivo, upon DHS request, will complete and submit DHS LEP Plan review on an annual basis or as often as requested by DHS.

### **8. Collection of Data & Its Analysis**

Avivo is committed to monitor and make reasonable adjustments to comply with Title VI requirements. Avivo will collect:

- Avivo collects demographic data, e.g. DOB, gender, preferred spoken language, preferred written language, needs interpreter (Yes, No), cultural background, ethnicity, etc.
- Purpose of collecting these data is to provide the best service to clients, enhance current programming and develop new initiatives to better serve the needs reflective of the client base.
- Measured outcomes vary by program.

### **9. Complaint Process:**

Individuals with LEP have the right to file a formal complaint with:

- Avivo
  - Complaints can be addressed to Mette McLoughlin at 612-752-8578  
1900 Chicago Avenue, Minneapolis, MN 55404  
[Mette.McLoughlin@avivomn.org](mailto:Mette.McLoughlin@avivomn.org)

- Minnesota Department of Human Services (DHS), Limited English Proficiency (LEP) Coordinator:
  - Alejandro Maldonado  
651-431-4018  
P.O. Box 64997  
Saint Paul, MN  
55164-0997  
[alejandro.maldonado@state.mn.us](mailto:alejandro.maldonado@state.mn.us)  
Fax 651-431-7444  
MN Relay 711 or 1-800-627-3529
- Office for Civil Rights (OCR), Region V – Chicago, IL
  - Celeste Davis, Regional Manager  
Office for Civil Rights  
U.S. Department of Health and Human Services  
233 N. Michigan Ave., Suite 240  
Chicago, IL 60601  
Voice Phone (800) 368-1019  
FAX 312-886-1807  
TDD 800- 537-7697
  - <http://www.hhs.gov/ocr/civilrights/complaints/index.html>

This LEP Plan is available in public areas of Avivo to all staff, volunteer, and contractors, and to members of the community.

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**Revisions to this LEP Plan**

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|-----------------|-----------|-------------------------------|
| <i>Creation</i> | May 2017  | By Julie Kizlik, Debbie Ferry |
| Revised         | June 2021 | By Julie Kizlik               |