MSHN
Mid-State Health Network

POLICIES AND PROCEDURE MANUAL

Chapter:	**Customer Service**		
Title:	**Information Accessibility/Limited English Proficiency (LEP)**		
Policy: ☒ **Procedure:** ☐ **Page:** 1 of 5	**Review Cycle:** Biennial **Author:** Chief Compliance and Quality Officer, Customer Service Committee	**Adopted Date:** 07.01.2014 **Review Date: 07.07.2026**	**Related Policies:** Customer Service Policy

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Purpose

Mid-State Health Network (MSHN) and its provider network will take reasonable steps to ensure that persons with Limited English Proficiency (LEP) due to literacy or impairment reasons have meaningful access and equal opportunity to participate in the services, activities, programs, and other benefits.

Policy

A. MSHN delegates the responsibility for ensuring meaningful communication with LEP consumers/customers and their authorized representatives involving their medical conditions, benefits, and supports/services to the Community Mental Health Services Program (CMHSP) Participants and Substance Use Disorder (SUD) providers, with oversight and monitoring by MSHN. This includes client-specific and/or general information about:
   1. Managed care;
   2. Excluded populations;
   3. Covered benefits;
   4. Cost sharing (if any);
   5. Service area;
   6. Availability of interpreters

B. CMHSP Participants/SUD Provider Network, to ensure sufficient resources for persons with LEP, shall:
   1. Establish a methodology for identifying the prevalent non-English languages spoken by beneficiaries likely to be served in their service area;
   2. Determine the frequency with which LEP persons may come in contact with their programs;
   3. Estimate the available resources required to meet the identified needs;
   4. Develop procedures for timely and effective communication between staff and persons with LEP.

C. CMHSP Participants/SUD Provider Network will ensure:
    1. All materials are available in language(s) appropriate to the people served within the Pre-Paid Inpatient Health Plan's (PIHP's) area for specific non-English languages that are spoken as the primary language by more than 5% of the population in the PIHP's region. Such materials shall be available in any language alternative to English as required by the Limited English Proficiency Policy Guidance (Executive Order 13166 of August 11, 2002, Federal Register Vol. 65, August 16, 2002).
    2. All materials are available in alternative formats in accordance with the Americans with Disabilities Act (ADA).
    3. Vital written materials critical to obtaining services, including, at a minimum, provider directories, enrollee handbooks, appeal and grievance notices, and denial and termination notices, are available in the prevalent non-English language(s) within the service area and must include taglines, printed in a conspicuously-visible font size, explaining the availability of written translations or oral interpretation along with the toll-free telephone number of the entity providing services as required by 42 Code of Federal Regulations (CFR) 438.71(a) and 42 CFR 438.10(d)(2). Conspicuously visible is defined as a font greater than the minimum font size of 12 point, is not a large font, and is more pronounced than the adjacent font.
    4. Written materials will use easily understood language and format, use a font size no smaller than 12 point, 6.9 reading level, and be available in large print .

D. The CMHSP Participants/SUD Provider Network shall ensure that beneficiaries are notified of how to access alternative formats, that oral interpretation is available for any language, and written information is available in prevalent languages. This includes interpretation services for the deaf, hard of hearing, and deaf/blind populations.

E. The CMHSP Participants/SUD Provider Network shall ensure that beneficiaries have timely access to support and services in their preferred language based on their language skills and in accordance with the Access Standards.

F. The CMHSP Participants/SUD Provider Network shall ensure designated employees and members of its provider network can obtain appropriate interpretation, translation, and/or communication services or technical equipment to meet the needs of beneficiaries in their service areas. This includes written materials and face-to-face or phone communications.

G. All interpreters, translators, and other aids needed to comply with this policy shall be provided without cost to the person being served.

H. The CMHSP Participants/SUD Provider Network shall have a local procedure in place that complies with the Michigan Department of Health and Human Services (MDHHS) Information Accessibility for Beneficiaries with LEP requirements, as well as the ADA.

I. The CMHSP Participants/SUD Provider Network must participate in the State's efforts to promote the delivery of services in a culturally competent manner to all beneficiaries, including those with limited English proficiency and diverse cultural and ethnic backgrounds and those who are Deaf, Hard of Hearing, and Deaf and Blind. Treatment will be modified to effectively serve individuals who are deaf, hard of hearing, and deaf and blind, based on their language skills and preferences.

J. The CMHSP Participants/SUD Provider Network may only use Video Remote Interpreting (VRI) in emergencies, extenuating circumstances, or during a state or national emergency as a temporary solution until the provider can secure a qualified interpreter, and in accordance with the R 393.5055 VRI standards, usage, limitations, educational, legal, medical, and mental health standards.

K. The CMHSP Participants/SUD Provider Network shall comply with the Office of Civil Rights Policy Guidance on the Title VI Prohibition Against Discrimination as it affects persons with LEP, 45 CFR 92.201, and Section 1557 of the Patient Protection and Affordable Care Act. It is expected that reasonable steps will be taken to provide meaningful access to each individual beneficiary with LEP, such as language assistance services, including but not limited to oral interpretation and written translation.

Applies to:

☒ All Mid-State Health Network Staff
☐ Selected MSHN Staff, as follows:
☒ MSHN's Affiliates: ☒ Policy Only ☐ Policy and Procedure
☒ Other: Sub-contract Providers

Definitions:

ADA: Americans with Disabilities Act.
CFR: Code of Federal Regulations
CMHSP: Community Mental Health Service Program
Communication: The effective transmission of messages using spoken language, Braille, American Sign Language, or available technology as necessary.
Consumer/Customer: Refers to individuals who are eligible to receive specialty mental health and substance use disorder services, as well as those currently receiving such services and their families/guardians. For the purpose of MSHN policy, these terms are used interchangeably.
Interpretation: The oral transmittal of a message from one language to another, considering dialect, culture, and nuance.
Limited English Proficiency (LEP): Means being limited in the ability or unable to speak, read, and/or write the English language well enough to understand and be understood without the aid of an interpreter.
MDHHS: Michigan Department of Health and Human Services
MSHN: Mid-State Health Network
PIHP: Pre-paid Inpatient Health Plan

Population/Service Area: Includes any Medicaid beneficiary who may potentially receive services from MSHN and its provider network.
Prevalent: means a non-English language determined to be spoken by a significant number or percentage of potential enrollees and enrollees that are limited English proficient.
Readily Accessible: means electronic information and services which comply with modern accessibility standards such as section 508 guidelines, section 504 of the Rehabilitation Act, and W3C's Web Content Accessibility Guidelines (WCAG) 2.0 AA and successor versions.
SUD: Substance Use Disorder
SUD Provider Network: Refers to a SUD Provider directly under contract with PIHP MSHN to provide services and/or supports.
Translation: The written interpretation of a message from one language to another, conveying the original meaning of the text with linguistic precision.
VRI: Video Remote Interpreting

Other Related Procedures:

N/A

References/Legal Authority:

1. 42 CFR 438.10 Information Requirements
2. 42 CFR 438.400 Appeals and Grievances
3. State of Michigan/PIHP Contract: Schedule 1. General Requirements, M. Beneficiary Services, 2. Written Materials, b. Additional Information Requirements
4. State of Michigan/PIHP Contract: 1. General Requirements, Q. Observance of State and Federal Laws and Regulations, 8. Limited English Proficiency
5. Limited English Proficiency Policy Guidance (Executive Order 13166 of August 11, 2002,
   Federal Register Vol. 65, August 16, 2002).
6. Office of Civil Rights Policy Guidance on Title VI "Language, Assistance to Persons with Limited English Proficiency"
7. The MICHIGAN DEPARTMENT OF CIVIL RIGHTS DIVISION ON DEAF AND HARD OF
   HEARING QUALIFIED INTERPRETER – GENERAL RULES (By authority conferred on the division on deaf and hard of hearing by section 8a of the deaf persons' interpreters act, 1982 PA 204, MCL 393.508a, section 9 of the division on deafness act, 1937 PA 72, MCL 408.209, and ERO 1996-2, MCL 445.2001, ERO 2003-1, MCL 445.2011, and ERO 2008-4, MCL 445.2025.)

Change Log:

Date of Change	Description of Change	Responsible Party
07.01.2014	New policy	Chief Compliance Officer
04.2016	Annual Review/Update	Customer Service & Recipient Rights Specialist

11.21.2016	Updated according to MDHHS/PIHP contract	Customer Service Committee
12.18.17	Annual Review	Customer Service Committee
12.03.18	Annual Review, additional language added	Customer Service Committee
03.16.2020	Annual Review, additional language added, edit to conform to definitions	Customer Service Committee
11.15.2021	Bi-annual Review, updated language from contract	Customer Service Committee
05.15.2023	Policy updates to include updated language from the PIHP contract	Customer Service Committee
01.22.2024	Biennial review, no changes	Customer Service Committee
01.26.2026	Biennial review, revisions due to language changes from the PIHP Customer Service Standards	Customer Service Committee