

LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

State Agency: New York State Office of the Medicaid Inspector General

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Language Access Coordinator: Geoffrey Orokos

LAC Phone / E-mail: (518) 408-5497 / Geoffrey.Orokos@omig.ny.gov



This document is our agency's **Language Access Plan**.

A **Language Access Plan** explains how we provide services to people who have limited English proficiency.

This **Language Access Plan** includes information about:






	The Limited English Proficient (“LEP”) population in our service area.
	How we notify the public about language access services.
	Our resources and methods for providing language access services.
	How we train our staff to provide language access services to the public.
	How we monitor language access services and respond to complaints.

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PART 1 – Our Agency’s Services

We prepared this Language Access Plan (“Plan”) to comply with New York State Executive Law Section 202-a, which establishes New York’s Statewide Language Access Policy. This Plan explains how we make sure that Limited English Proficient (“LEP”) individuals have meaningful access to agency services, programs, and activities.

In this Plan, LEP individuals are understood as people who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.

Our agency’s services to the public include:

The Office of the Medicaid Inspector General (OMIG) protects the integrity of the Medicaid program by conducting and coordinating fraud, waste, and abuse control activities for all State agencies responsible for Medicaid-funded services. In fulfilling this role, OMIG primarily interfaces with the Attorney General’s Medicaid Fraud Control Unit (MFCU), various Federal, State, and local agencies, as well as law enforcement officials. OMIG utilizes a web-based Medicaid fraud allegation form, toll-free Medicaid Fraud Hotline, and Explanation of Medical (Medicaid) Benefit (EOMB) letters that enable the public and beneficiaries to report fraud, waste, and abuse to the agency.

PART 2 – The Limited English Proficient Population in Our Service Area



The Statewide Language Access Policy requires state agencies to translate vital agency documents into the top 12 most commonly spoken non-English language among limited English proficient New Yorkers. Our agency uses U.S. Census data (including data from the American Community Survey) to determine the top 12 languages most commonly spoken by LEP individuals in New York State.

The top 12 languages spoken by LEP individuals in New York State are:

#	Language	Estimated Number of LEP Speakers
1	Spanish	1,166,777
2	Chinese	375,924
3	Russian	119,160
4	Yiddish	71,740
5	Bengali	66,980
6	Haitian Creole	53,335
7	Korean	51,285
8	Italian	44,128

9	Arabic	41,632
10	Polish	33,125
11	French	30,770
12	Urdu	28,827

New York’s language access law also provides agencies, in consultation with the Office of Language Access, the option to add up to four more languages of translation beyond the top 12. The assessment about whether to include additional languages must be based on factors that are identified in the language access law. Our agency, in consultation with the Office of Language Access, has made the following determination with regard to the addition of languages beyond the top 12:

OMIG's assessment as to the necessity of additional languages of translation beyond the top 12 remains ongoing at this time. OMIG, in consultation with the Office of Language Access, will update this Plan when this assessment has been completed and a final determination reached. OMIG will continue to reassess the need for additional languages of translation on an ongoing basis.

Our agency tracks encounters with LEP individuals in the following ways:

OMIG tracks encounters with LEP individuals by documenting all calls and in-person meetings, as well as all written correspondence that occur when interpreting and translation services are requested and utilized. This documentation includes noting the language assistance service provided, when it was provided, how it was provided and the specific language in which it was provided.



PART 3 – Public Outreach About the Availability of Language Access Services

Our agency informs LEP individuals about their right to free language assistance services in the following ways, using at least the top 12 languages shown in Part 2 of this Plan:

☒ LEP individuals are directly informed by our staff

In which ways? OMIG staff directly inform LEP individuals about their right to free language assistance services by utilizing the agency’s “Language Identification Tool.” This tool notes, in 40 different languages, the following: “Point to your language. An interpreter will be called. The interpreter is provided at no cost to you.”

☒ Signs posted about language assistance services

☒ In areas operated by the agency and open to the public

☐ Other (describe)

☒ Information is published on our agency’s website in at least the top 12 languages spoken by LEP individuals in New York State

☒ Outreach and presentations at schools, faith-based groups, and other community organizations

What are the LEP populations targeted? OMIG staff have access to the agency’s “Language Identification Tool” during outreach events for use when staff need to inform LEP individuals about their right to free language assistance services.

☐ Local, non-English language media directed at LEP individuals in their languages

What are the LEP populations targeted?

☒ Social media posts directed at LEP individuals in their languages

What are the LEP populations targeted? Spanish, Russian, Chinese, Bengali, Haitian-Creole, Yiddish, Arabic, Polish, Italian, French, Urdu and Korean.

☒ Telephonic voice menu providing information in non-English languages

In which languages? Spanish

☐ Other (describe)



PART 4 – Provision of Language Access Services

A. Determining the Need for Services

During *in person* encounters, our agency uses the following tools to determine whether an individual is LEP, and what their primary language is:

☒ “I Speak” posters or visual aids that provide information about free interpreting services in multiple languages

☒ Reception staff make those determinations based on training and experience

☐ Bilingual staff members, where available, assist in identifying LEP individual’s language

☐ Other (describe)

On *telephone calls*, our agency uses the following tools to find out if an individual is LEP, and what their primary language is:

☒ Reception staff make those determinations based on training and experience

☐ Bilingual staff members, where available, assist in identifying an LEP individual’s language

☒ Telephonic interpreting service

☐ Other (describe)

Our agency's protocols for assessing whether an individual needs *oral interpreting* services in different service situations is as follows:

☒ **During office in-person encounters:** During in-person encounters, OMIG staff are directed to utilize the agency's "Language Identification Tool" to determine the LEP individual's primary language, followed by contacting the agency's interpreting and translation vendor to find out more about the nature of the contact and what further assistance is needed.

☒ **At initial contact in the field:** At initial contact in the field, OMIG staff are to utilize the agency's "Language Identification Tool" to determine the LEP individual's primary language, followed by contacting the agency's interpreting and translation vendor to find out more about the nature of the contact and how to further assist.

☒ **When speaking on the telephone:** When OMIG staff encounter an LEP individual on the phone, the staff member informs the LEP individual about free interpreting services provided by the agency's interpreting and translation vendor and asks the individual to identify their primary language. If the LEP individual is unable to relay what their primary language is, OMIG staff are to utilize the agency's interpreting and translation vendor for assistance and find out more about the nature of the contact and how to further assist.

☒ **For pre-planned appointments with LEP individuals:** For pre-planned appointments with LEP individuals, OMIG staff are to schedule an interpreter in the individual's primary language with the agency's interpreting and translation vendor. This applies to both in-person and remote video meetings.

☐ **Other (describe):**

Our agency records and maintains documentation of each LEP individual's language assistance needs as follows:

OMIG's Language Access Coordinator documents calls and in-person meetings, as well as all written correspondence that occur when interpreting and translation services are requested and provided. This documentation includes noting the language assistance service provided, when it was provided, how it was provided and the specific language in which it was provided. In addition, OMIG's Language Access Coordinator reconciles this information for accuracy with the records maintained and provided by the agency's interpreting and translation vendor.

B. Oral Interpreting Services

Our agency has made the following resources available for oral interpreting requests:

- ☐ Bilingual staff members who work directly with LEP individuals

Number of staff and languages spoken:

- ☐ Bilingual staff members who provide oral interpreting services on a volunteer basis

Number of staff and languages spoken:

- ☒ Telephonic interpreting service

Vendors: OMIG utilizes any vendor under the NYS Office of General Services (OGS) Statewide Administrative Services Contract.

- ☐ Contracts or other arrangements with school and community organizations

Number of staff and languages spoken:

- ☐ Other (Describe)

Our agency protocols for informing LEP individuals that free interpreting services will be provided and that they do not need to provide their own interpreters is as follows:

☒ **During office in-person encounters:** OMIG's protocols direct staff to inform LEP individuals during in-person encounters about their right to free language assistance services by utilizing the agency's "Language Identification Tool." This tool notes in 40 different languages, "Point to your language. An interpreter will be called. The interpreter is provided at no cost to you."

☒ **At initial contact in the field:** OMIG's protocols direct staff to inform LEP individuals at initial contact in the field about their right to free language assistance services by utilizing the agency's "Language Identification Tool." This tool notes in 40 different languages, "Point to your language. An interpreter will be called. The interpreter is provided at no cost to you."

☒ **When speaking on the telephone:** OMIG's protocols direct staff to inform all LEP individuals during inbound and outbound telephone calls, and reiterate as needed, that interpreting services are provided at no cost.

☒ **For pre-planned appointments with LEP individuals:** OMIG's protocols direct staff to inform all LEP individuals, and reiterate as needed, that interpreting services are provided at no cost.

- ☐ **Other (describe):**

Our agency's protocols for obtaining interpreting services in a timely manner is as follows:

OMIG's protocols for obtaining interpreting services in a timely manner include determining the LEP individual's language and informing them that they can receive free interpreting services;

contacting OMIG’s interpreting and translation vendor; informing the vendor’s customer service representative the language that is needed for interpreting services or asking the customer service representative for assistance identifying the language, if needed; utilizing the interpreter once connected; and working with the interpreter to provide interpreting services between the agency and the individual in their primary language with respect to the provision of services or benefits.

If an LEP individual insists on using a family member, friend, or other person as an interpreter, our protocols for deciding whether to accept or decline such an arrangement is as follows:

In the event of an emergency, the LEP individual will be permitted to use a family member, friend, or other person as an interpreter. Upon request, an LEP individual may also be permitted to use a family member, friend, or other person as an interpreter for routine matters, such as asking for the location of the office, hours of operation or rescheduling an appointment. When the interaction with the LEP individual occurs at the agency’s office and an individual is permitted to use an interpreter of their choosing, the individual must complete the Free Interpretation Services Waiver Form. However, if the LEP individual is engaged in official business with OMIG, the agency is responsible for providing an independent interpreter. An LEP individual will not be permitted to use an independent interpreter of their choosing when filling out applications or when involved in other legal or official agency matters.

Our agency provides information to all staff members who have contact with the public about how to obtain oral interpreting services. Our protocol in this regard is as follows:

OMIG requires all agency staff, including all front-line staff and their supervisors and managers, to annually complete the Office of Employee Relations (OER) language access training and OMIG’s agency-specific language access plan and procedure training. In addition, the agency’s Language Access Coordinator publishes and maintains an intranet page that provides information about oral interpreting services for all staff members who have contact with the public.

The agency’s Language Access Coordinator (“LAC”) maintains a list of oral interpreting resources that are available to staff. This resource list includes:

- ☒ Names and contact information for all resources
- ☐ Names and locations of staff members who are available to act as interpreters or provide services directly in an LEP individual’s primary language
- ☒ Languages in which each interpreter or service is qualified
- ☒ Procedures for accessing each interpreter or service

Our agency records and maintains documentation of oral interpreting services provided to LEP individuals at each encounter. Our protocol in this regard is as follows:

OMIG's Language Access Coordinator documents calls and in-person meetings in which interpreting services are requested and provided. This documentation includes noting the language assistance service provided, when it was provided, how it was provided and the specific language in which it was provided. In addition, OMIG's Language Access Coordinator reconciles this information for accuracy with the records maintained and provided by the agency's interpreting and translation vendor.

Cultural Competence and Confidentiality

Our agency makes sure interpreters are culturally competent¹ in the following ways:

The vendors with which OMIG contracts to provide interpreting and translation services are required to implement quality-assurance standards to ensure that its interpreters are trained and are linguistically and culturally competent.

Our agency makes sure interpreters follow state and federal confidentiality protocols in the following ways:

OMIG's current interpreting and translation vendor ensures its interpreters adhere to industry standards for confidentiality and ethics. In addition, when necessary or appropriate, interpreters enter into specific confidentiality agreements that reflect the requirements and obligations the vendor has to its clients, such as Business Associate Agreements (BAA) for Health Insurance Portability and Accountability Act (HIPAA) compliance. Furthermore, independent interpreters are to enforce standards of confidentiality in accordance with NYS Law.

C. Translations of Documents

At least every two years after the effective date of this Plan, our agency determines and reassesses vital documents² that must be translated. This process is accomplished in the following ways:

OMIG's Agency Communications and Intergovernmental Relations unit reviews all new website content and draft documents with OMIG staff prior to posting or publishing to determine if the materials are considered vital and require translation. Recommendations for content or document translations are shared with the Medicaid Inspector General for review and approval. Upon approval, the content or vital document is translated using OMIG's interpreting and translation vendor.

¹ Cultural Competence is defined as *a set of congruent behaviors, attitudes, and policies that come together in a system or agency or among professionals that enables effective interactions in a cross-cultural framework*. U.S. Department of Health and Human Services, Office of Minority Health. 2000. Assuring Cultural Competence in Health Care: Recommendations for National Standards and an Outcomes-Focused Research Agenda. Extracted from:

https://minorityhealth.hhs.gov/Assets/pdf/checked/Assuring_Cultural_Competence_in_Health_Care-1999.pdf

² Vital Documents is defined as any paper or digital document that contains information that is critical for obtaining agency services or benefits or is otherwise required to be completed by law.

Our agency’s process for making sure documents are written in plain language³ before they are translated into other languages is as follows:

Prior to submitting documents for translation, the proposed documents are analyzed for readability using Microsoft’s Flesch-Kincaid Grade Level tool to ensure they meet plain-language guidelines.

Our agency has the following resources available for translation of documents:

☒ Contracts with vendors for translation services

Vendors: Geneva Worldwide and any other vendor under the NYS OGS Statewide Administrative Services Contract.

☐ Contracts or other arrangements with schools and community organizations

Names of schools/organizations:

☐ Translation of documents by bilingual staff members

☐ Other (describe)

The agency’s Language Access Coordinator (“LAC”) maintains a list of translation resources that are available to staff. This resource list includes:

☒ Names and contact information for all resources

☐ Names and locations of staff members who are available to provide translations of documents

☒ Languages in which each translation service is qualified

☒ Procedures for accessing each translation service

Our agency translates documents that LEP individuals submit in their primary languages in a timely manner. Our protocol in this regard is as follows:

Upon receiving a document or correspondence from an LEP individual that requires translation, the document or correspondence is to be sent to the agency’s translation vendor in timely manner.

The following non-exhaustive list of documents are currently translated or in the process of translation by our agency in the languages indicated. Documents with an asterisk (*) are determined by the agency to be vital documents.

- | | |
|----------------------|-----------------------------|
| • <i>AR: Arabic</i> | • <i>HA: Haitian-Creole</i> |
| • <i>BE: Bengali</i> | • <i>IT: Italian</i> |
| • <i>CH: Chinese</i> | • <i>KO: Korean</i> |
| • <i>FR: French</i> | • <i>PO: Polish</i> |

³ The [Plain Writing Act of 2010](https://www.govinfo.gov/app/details/PLAW-111publ274) defines plain language as writing that is clear, concise, well-organized, and follows other best practices appropriate to the subject or field and intended audience. Extracted from: <https://www.govinfo.gov/app/details/PLAW-111publ274>

- RU: Russian
- SP: Spanish

- UR: Urdu
- YI: Yiddish

Form #	Name	Top 12 Languages												Additional Languages
		AR	BE	CH	FR	HA	IT	KO	PO	RU	SP	UR	YI	
	*Medicaid Fraud Allegation Form	X	X	X	X	X	X	X	X	X	X	X	X	Turkish
	Report Medicaid Fraud Flyer	X	X	X	X	X	X	X	X	X	X	X	X	
	Reporting Medicaid Fraud in New York State Brochure	X	X	X	X	X	X	X	X	X	X	X	X	
	Protecting Your Medicaid Card and Number Brochure	X	X	X	X	X	X	X	X	X	X	X	X	
	Blow the Whistle on Medicaid Fraud Poster	X	X	X	X	X	X	X	X	X	X	X	X	
	Building Opportunities for MWBEs	X	X	X	X	X	X	X	X	X	X	X	X	
	*Explanation of Medicaid Benefits (EOMB) ¹	X												

*RRP Notification Letter ²														
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¹ The EOMB is in English on the front and Spanish on the back and includes an enclosure that provides information in Spanish, Simplified Chinese, Traditional Chinese, Russian, Bengali, Haitian-Creole, Korean, Italian, Arabic, Polish, French, Urdu, Yiddish, Yoruba, Tagalog, Greek, Hindi, Japanese, Nepali, Ukrainian, Vietnamese, Albanian, Somali, Swahili and Twi informing the recipient that it is an important document and if the individual needs help understanding it to call to be connected to an interpreter free of charge.

² The RRP Notification Letter includes an enclosure that provides information in Spanish, Simplified Chinese, Traditional Chinese, Russian, Bengali, Haitian-Creole, Korean, Italian, Arabic, Polish, French, Urdu, Yiddish, Yoruba, Tagalog, Greek, Hindi, Japanese, Nepali, Ukrainian, Vietnamese, Albanian, Somali, Swahili and Twi informing the recipient that it is an important document and if the individual needs help understanding it to call to be connected to an interpreter free of charge.

New documents identified for translation after the signing of this Plan and before the 2-year reassessment will be translated in a timely manner.

The process for ensuring that translations are accurate and incorporate commonly used words is as follows:

OMIG, through its interpreting and translation vendor, ensures that proofing/editing for correctness and cultural sensitivity are a component of the translation services provided under contract as part of the publication process. OMIG also ensures that plain language is used in materials produced before translation to ensure information is accessible to a range of literacy levels.



PART 5 – Staff Training

The person in the agency who is responsible for training staff in language access services is: OMIG's Staff Development and Training unit is responsible for the provision of training to staff in language access services.

The staff training includes the following components:

- ☒ The agency's legal obligations to provide language access services
- ☒ The agency's resources for providing language access services
- ☒ How to access and work with interpreters
- ☒ Cultural competence and cultural sensitivity
- ☒ How to obtain translation services
- ☒ Maintaining records of language access services provided to LEP individuals

The methods and frequency of training are as follows:

OMIG requires all agency staff, including all front-line staff and their supervisors and/or managers, to annually complete the Office of Employee Relations (OER) language access training and OMIG's agency-specific language access plan and procedure training. Refresher trainings are offered to staff, as needed.



PART 6 – Monitoring the Plan and Responding to Complaints

A. Monitoring

Our agency's Language Access Coordinator ("LAC") will monitor implementation of the Plan to make sure we are in compliance. Our protocols in this regard are as follows:

To ensure all staff adhere to the methods and frequency of training outlined in this language access plan, OMIG's Language Access Coordinator monitors plan implementation by reviewing the language access program staff training roster with OMIG's Staff Development and Training Unit; reviewing OMIG's public website to ensure that documentation approved for translation has been completed and is accessible; reviewing and ensuring all vital documents are translated and, as needed, provide for oral interpreting services in at least the top twelve languages; evaluating the volume and nature of communications that require interpreting and translation services to ensure that such services are provided in a timely manner; and reporting to OMIG's Executive Leadership Team on OMIG's performance regarding implementation of and adherence to its Language Access Plan.

B. Complaints

We provide information to the public in at least the top 12 most commonly spoken non-English languages in the state, advising members of the public of their right to file a complaint if they feel that they have not been provided adequate language access services or have been denied access to services because of their limited English proficiency. We do not retaliate or take any other adverse actions because an individual has filed a language access complaint.

We display information on the right to file a complaint, and the procedures for filing a complaint, in the following manner:


The complaint forms are available for download or online submission through OMIG's website. The standardized complaint forms, along with the procedures for filing a complaint, are available upon request. Additionally, information on the right to file a complaint is posted on the website and in agency offices in areas where it can be easily seen by the public.

We handle complaints made to the agency regarding the provision of language assistance services in the following manner:


The Language Access Complaint Form is available on OMIG's website and is provided upon request in person or by calling, writing, or emailing the agency. If a complaint regarding the provision of language services is received, it is sent directly to OMIG's Language Access Coordinator for immediate attention and action as appropriate. All complaints are timely forwarded to the Office of Language Access.

PART 7 – Signatures



 Acting Medicaid Inspector General 9/19/2022
Head of Agency Title Date

 Agency LAC Language Access Coordinator 9/19/2022
Agency LAC Title Date
SPECIAL ASSISTANT

 Executive Director, NYS Office of Language Access 09/26/2022
Executive Director, NYS Office of Language Access Date