

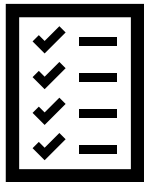
LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

State Agency: NYS Office of Cannabis Management

Effective Date of Plan: October 1, 2022

Language Access Coordinator: Stanley De La Cruz

LAC Phone / E-mail: 1-888-626-5151 / OCM.sm.languageaccess@ocm.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.

Table of Contents

PART 1 – Our Agency’s Services	3
PART 2 – The Limited English Proficient Population in Our Service Area.....	3
PART 3 – Public Outreach About the Availability of Language Access Services ...	4
PART 4 – Provision of Language Access Services	5
PART 5 – Staff Training.....	10
PART 6 – Monitoring the Plan and Responding to Complaints	11
PART 7 – Signatures.....	13



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:

- Patient and Caregiver Registration Assistance for the Medical Cannabis Program;
- License Application Assistance for Adult-Use and Cannabinoid Hemp Programs;
- Outreach and Education on the Office of Cannabis Management and the mission set forth in the Marijuana Regulation and Taxation Act (MRTA).

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:

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

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

The Office of Cannabis Management tracks LEP services using the current language translation contracts we have in place, which includes web-based, in-person, telephone and documentation.



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?** Contact with the public occurs in the following forms: Level 2 call center transfers, in person outreach and education events, on-site inspections of licensees, board meetings and other third-party meetings with stakeholders.
- 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?** Spanish

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

What are the LEP populations targeted? Spanish

- Social media posts directed at LEP individuals in their languages

What are the LEP populations targeted? Spanish

- Telephonic voice menu providing information in non-English languages

In which languages? Spanish is offered, and others are available once the individual reaches our call center via language translation services.

- 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: We have not encountered this yet, however, OCM will follow the Language Access Training protocols to assist.

At initial contact in the field:

When speaking on the telephone: When OCM staff receive phone calls from the public that require translation services, they can choose between two translation vendors (Language Link and Language Line). They dial the number provided and indicate to the vendor what language is necessary. The interpreter then connects via a three-way phone call.

For pre-planned appointments with LEP individuals: For Stakeholder engagements we have had pre-registration and an ability to collect language access service needs. Where needed, OCM has worked with language access service contractors to provide services.

Other (describe):

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

Invoices containing the breakdown of languages interpreted are received from translation services vendor and are retained on a shared drive.

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: Working to document employee skill sets that may be beneficial, including bi-lingual. Currently we have several staff who are bi-lingual in Spanish/English.

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

Number of staff and languages spoken: Four staff have assisted with Spanish translations, assisting with application instructions, outreach messaging and other content to raise awareness of agency missions.

Telephonic interpreting service

Number of staff and languages spoken: All OCM staff must complete the annual Language Access Training; which includes use of the secured contract. All languages needed are available via this 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:** N/A thus far
- At initial contact in the field:** N/A thus far; but can utilize I Speak poster and utilize translation service contracts
- When speaking on the telephone:** Translation services are offered immediately upon contact with the individual who presents as needing assistance due to limited English proficiency.
- For pre-planned appointments with LEP individuals:** Registrations for events include an opportunity to request translation or interpretation services in advance.
- Other (describe):**

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

OCM has contracts in place for in person, over the phone, video, and written translation services. Upon identifying a need, OCM will call on the services of the interpreter or schedule a time frame in which the services are required.

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:

LEP individuals that come into contact with our agency will be informed of the availability of free interpreting services. Generally, LEP individuals may not use a family member, friend or a minor as an interpreter. However, during emergencies, an LEP individual will be permitted to use a minor, family member or friend as an interpreter. Upon request, an LEP may use a minor, family member or friend for routine matters such as asking for location of the office; hours of operation or rescheduling an appointment. Where the interaction with the LEP individual occurs at the agency’s office, an individual is permitted to use an interpreter of their choosing, they must fill out a written consent/waiver form. Where an LEP individual is engaged in official business with the agency, the agency will provide an independent interpreter at all times. 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 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:

OCM staff have been provided written instructions and handouts detailing how to obtain interpreters when needed.

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:

Invoices are tracked for services provided. We are also working to establish procedures that will capture encounters where internal staff are able to provide the same services.

Cultural Competence and Confidentiality

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

When submitting a bid for interpretation services, vendors supplied OCM with a quality assurance detailing how each of their interpreters has been vetted and validated.

Staff who are bilingual are able to review produced documentation to confirm translation meets intent of the original documentation. Focus groups have been utilized to review media campaign content for messaging validation as well.

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

The training provided to staff addresses the importance of confidentiality. Independent interpreters will enforce standards of confidentiality in accordance with NYS law.

C. Translations of Documents

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

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:

A Language Access Workgroup will review all public documents prior to release to determine whether they are vital documents. The workgroup will also periodically review public documents to ensure they are properly designated.

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

Documentation is reviewed by multiple staff in the unit, submitted to the vendor, and reviewed again for quality assurance. The lens used to review documentation to confirm acronyms are explained, terminology is understandable to non-industry stakeholders, when possible.

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

Contracts with vendors for translation services

Names of vendors: Language Today

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:

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.

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>

For documents received that are in Spanish, we are able to review the documentation using internal staff. At this time, we have not encountered additional requests, but our procedure is to utilize contracts in place to have the vendor conduct translation services with the service level agreement terms of the contract.

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.

- AR: Arabic
- BE: Bengali
- CH: Chinese
- FR: French
- HA: Haitian-Creole
- IT: Italian
- KO: Korean
- PO: Polish
- 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
	Cannabis Considerations	X	X	X	X	X	X	X	X	X	X	X	X	
	Medical Programs	X	X	X	X	X	X	X	X	X	X	X	X	
	What Parents Should Know	X	X	X	X	X	X	X	X	X	X	X	X	

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:

Our contracted translation vendor reviews the document(s) for translation in the language requested, follows up with questions that arise, translates the document(s), and applies translation quality assurance before providing final translation.



PART 5 – Staff Training

The person in the agency who is responsible for training staff in language access services is: Stanley De La Cruz, Director of Executive Operations & Amanda Wilson, Director of Administration

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:

All staff are required to complete the Statewide Learning Management Course on Language Access upon hiring and annually thereafter.



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:

The LAC will meet quarterly with the Director of Administration to ensure compliance with the plan and Executive Law Section 202-a.

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 other adverse action 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 standardized complaint forms, along with the procedures for filing a complaint, are available in all twelve languages in our public offices upon request. They are also available for download or online submission through our website. Additionally, information on the right to file a

complaint is posted in the top twelve languages on our website and in our 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:

Complaints received are logged and follow-up is conducted specific to the complaint. If telephone services were provided without translation services, call records may be retrieved and reviewed to provide counseling or retraining of staff where needed. If the complaint is specific to documentation translations, or lack thereof, will result in a review of the status of document translations or availability.

All complaints must be timely forwarded to the Office of Language Access.

