

## LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENT INDIVIDUALS

**State Agency:** Office for People With Developmental Disabilities (OPWDD)

**Effective Date of Plan:** October 1, 2022

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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 New York State Office for People With Developmental Disabilities (OPWDD) provides services to New Yorkers with developmental disabilities, including intellectual disabilities, cerebral palsy, Down syndrome, autism spectrum disorders, and other neurological impairments. Services are coordinated directly through the state and through a network of not-for-profit services providers, with about 80 percent of services delivered by not-for-profit provider agencies, and 20 percent provided through state-run services. People OPWDD supports and their families access services through the “Front Door,” a standardized statewide process for assessing services that helps people to learn about OPWDD and available service options, and then to establish eligibility. Once eligibility has been determined, people are assessed for strengths and support needs are identified, such as language accessibility supports. A plan is then implemented to provide those services.

## **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:

OPWDD's assessment as to the necessity of additional languages of translation beyond the top 12 remains ongoing at this time. OPWDD, in consultation with the Office of Language Access, will update this Plan when this assessment has been completed and a final determination reached. OPWDD 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:**

Through the OPWDD Tracking and Billing System (TABS) data set to determine language needs. This information can be used to help create a person’s life plan, which determines supports and services the person will need – such as language access.



**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?** During the intake process and prior to Front Door Information Sessions, to ensure that people are receiving information in the correct language. “I Speak” posters, which provide information about the right to free interpreting services, are placed in the most common areas frequented by the public.

- 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, Korean, Bengali, Chinese, Russian, Haitian-Creole, Italian, Arabic, French, Polish, Yiddish and Urdu and other populations as needed or requested.
- 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, Chinese
- Telephonic voice menu providing information in non-English languages  
**In which languages?** The OPWDD Info-Line has a voice menu in English and Spanish. Employees using the Info-Line also have access to telephonic interpretation services with the availability of 250 languages.
- 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) All staff are trained to assess language needs of an LEP individual; referrals from other organizations determine the person’s language needs; self-reporting from the person during assessment.

**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) All staff are trained to assess the language needs of an LEP individual; referrals from other agencies and organizations that determine a person's language needs; self-reporting from the individual during assessment.

**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:** OPWDD staff may use the following resources to assess language needs: Eligibility software, Tracking and Billing System (TABS), "I Speak" cards provided to all staff, bilingual staff where available, self-reporting by individual, and telephonic interpretation services via contracted vendor.
- At initial contact in the field:** OPWDD staff may use the following resources to assess language needs: "I Speak" cards provided to all staff, bilingual staff where available, self-reporting by individual, and telephonic interpretation services via contracted vendor.
- When speaking on the telephone:** OPWDD staff may use the following resources to assess language needs: Bilingual staff where available, and telephonic interpretation services provided via contracted vendor.
- For pre-planned appointments with LEP individuals:** OPWDD staff may use the following resources to assess language access needs: bilingual staff where available, telephonic interpretation services via contracted vendor, self-reporting from individual, and use of "I Speak" cards provided to them.
- Other (describe):** All OPWDD staff are trained to assess the language needs of an LEP individual, as well as taking referrals from other organizations that determine the person's language needs. Individuals and family members can also self-report.

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

OPWDD records the language needs of people with developmental disabilities, family members, or designees in its eligibility software, TABS, and through other record-keeping methods.

## **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:** OPWDD currently employs 15 qualified bilingual or multi-lingual staff to work with individuals statewide: 13 Spanish-speaking and 12 American Sign Language or Manual Communications employees.

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

**Number of staff and languages spoken:**

- Telephonic interpreting service

**Vendors:** Contracted vendor Language Services Associates and potentially 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:** Staff members are trained to inform people, families, or designees about the availability of translation and interpretation services, at no charge to them. Signage explaining the availability of free interpreting and translation services are posted in areas frequented by the public.

**At initial contact in the field:** Staff members are trained to inform people, families, or designees about the availability of interpretation/translation services. Information is provided either by bilingual staff or through a qualified interpreter or translated documents, if applicable.

**When speaking on the telephone:** Staff members are trained to inform people, families, or designees about the availability of telephonic interpretation services. Information is provided either by a bilingual staff member, or more frequently, by qualified interpreters provided by the contracted telephonic interpretation service.

**For pre-planned appointments with LEP individuals:** Staff members are trained to assess, inform, and document communication needs for individuals, family members and designees. This information is then used to secure an interpreter and any translated document(s) needed.

- Other (describe):**

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

The OPWDD Language Access Policy & Procedure guidance provides employees with information about how to access an interpreter via vendors OPWDD has contracted with. Employees are required to document communication needs of individuals, family members and/or designees during initial contact. NYS OGS maintains statewide administrative contracts, which include interpreter services. OPWDD maintains its own separate vendor contracts, offering vendor options to staff.

**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 who come into contact with our agency will be informed of the availability of free interpreting services. Generally, an LEP individual may not use a family member, friend, or a minor as an interpreter. However, upon request, an LEP individual may be permitted to use a minor, a family member or friend as an interpreter for routine matters, such as asking the location of the office, hours of operation, or rescheduling an appointment. Where the interaction with the LEP individual occurs at the agency’s office, and the agency permits the use of an interpreter authorized by the individual, the LEP individual must fill out a written consent/waiver form. Where an LEP individual is engaged in official business with the agency, the agency will always provide 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 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:**

OPWDD provides staff with contact information for contracted vendors, which includes information about how to obtain telephonic interpretation, in-person or online interpretation, and written translation services.

**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:**

OPWDD uses TABS data sets to gather information for communication needs for people, family members, and/or designees. OPWDD also has available to it, usage data from contracted vendors.



## **Cultural Competence and Confidentiality**

### **Our agency makes sure interpreters are culturally competent<sup>1</sup> in the following ways:**

Where OPWDD uses independent interpretation services, the vendor used will implement quality assurance standards to guarantee that interpreters are trained and linguistically and culturally competent.

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

All OPWDD employees are trained in the Health and Information Portability & Accountability Act (HIPAA) and confidentiality requirements. Furthermore, independent interpreters will enforce standards of confidentiality in accordance with New York State laws.

### **C. Translations of Documents**

### **At least every two years after the effective date of this Plan, our agency determines and reassesses vital documents<sup>2</sup> that must be translated. This process is accomplished in the following ways:**

OPWDD offers any of its translated documents to its nonprofit providers and we reassess any documents based on requests from the field or agency changes.

### **Our agency's process for making sure documents are written in plain language<sup>3</sup> before they are translated into other languages is as follows:**

OPWDD through its vendors (where applicable) will ensure that proofreading/editing for correctness and cultural sensitivity are components of the translation services provided by the vendor under contract as part of the publication process. OPWDD will also ensure that plain language is used in materials produced before translation to ensure information is accessible to a range of literacy levels.

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

- Contracts with vendors for translation services

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<sup>1</sup> 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](https://minorityhealth.hhs.gov/Assets/pdf/checked/Assuring_Cultural_Competence_in_Health_Care-1999.pdf)

<sup>2</sup> 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.

<sup>3</sup> 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>

**Vendors:** Contracts with providers 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:**

The OPWDD Language Access Plan & Procedure provides guidance to employees for making translation requests. Translation requests are submitted to the approved contract vendor in a timely manner in the language requested.

**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	

Consolidated Assessment System (CAS) brochure*	X	X	X	X	X	X	X	X	X	X	X	X	X	PORT, ALB, FAR, HEB, KA, NEP, SWA, SOM, VIET
Front Door Informational brochure*	X	X	X	X	X	X	X	X	X	X	X	X	X	UZ, UK, KAR, FAR, HEB, GR, KA, NEP, TIG, BOS, BUR, SOM, SWA, VIET, KIN, PASH, Dari
Front Door Welcome Letter*	X	X	X	X	X	X	X	X	X	X	X	X	X	FAR, UZ, UK, HEB, KA, KAR, NEP, SOM, SWA, VIET, GR, BOS, PORT, KIN, TIG
Front Door Informational PPT*	X	X	X	X	X	X	X	X	X	X	X	X	X	KA, NEP
Front Door Access to Services Guide*	X	X	X	X	X	X	X	X	X	X	X	X	X	Dari, UZ, UK, FAR, HEB, GR, KA, KAR, NEP, BOS, TIG, BUR, SOM, SWA, VIET, PORT, PUN, KIN, PASH
Authorization Consent Form*	X	X	X	X	X	X	X	X	X	X	X	X	X	PASH
273 Back, Revised 216 (form)	X	X	X	X	X	X	X	X	X	X	X	X	X	KA
273 Front, Revised 216 (form)	X	X	X	X	X	X	X	X	X	X	X	X	X	KA

Age Out Placement Consent Form	X	X	X	X	X	X	X	X	X	X	X	X	X	BOS, KA, NEP, SWA, VIET	BUR, KAR, PORT, SOM,
Annual Accounting Letter	X	X	X	X	X	X	X	X	X	X	X	X	X		
Application for Participation	X	X	X	X	X	X	X	X	X	X	X	X	X		
BRO 503 Notice of Reimb. Change Revised 350	X	X	X	X	X	X	X	X	X	X	X	X	X		
Choking Prevention	X	X	X	X	X	X	X	X	X	X	X	X	X		
Citation Bro 278	X	X	X	X	X	X	X	X	X	X	X	X	X		
Community Habilitation: Self-Family Administration MOU*	X	X	X	X	X	X	X	X	X	X	X	X	X		
Cover Letter for DDP*	X	X	X	X	X	X	X	X	X	X	X	X	X		
Documentation of Choices*	X	X	X	X	X	X	X	X	X	X	X	X	X		
Eligibility: Important Facts 2021*	X	X	X	X	X	X	X	X	X	X	X	X	X	SOM, SWA, KA, TIG, BOS, VIET, TURK, KIN, PASH, Dari, UK	
Eligibility Transmittal Form and Instructions*	X	X	X	X	X	X	X	X	X	X	X	X	X	SOM, SWA, KA, TIG, BOS, VIET, TURK, KIN, PASH, Dari, UK	
HIPAA Privacy Policy*	X	X	X	X	X	X	X	X	X	X	X	X	X	BOS, NEP, PORT,	KA, PASH, SOM,

														SWA, VIET, KIN
	Learning About Incidents	X	X	X	X	X	X	X	X	X	X	X	X	CRO, BUR, SWA, NEP
	Liability Notices*	X	X	X	X	X	X	X	X	X	X	X	X	
	NOD (Notice of Determination) Letter template*	X	X	X	X	X	X	X	X	X	X	X	X	BUR, KA, SWA, SOM, VIET
	NOD DD Termination*	X	X	X	X	X	X	X	X	X	X	X	X	BUR, KA, SWA, SOM, VIET
	NOD HCBS Denial*	X	X	X	X	X	X	X	X	X	X	X	X	BUR, KA, SWA, SOM, VIET
	NOD/HCBS Suspension/Reduction*	X	X	X	X	X	X	X	X	X	X	X	X	BUR, KA, SWA, SOM, VIET
	NOD/IUR Termination*	X	X	X	X	X	X	X	X	X	X	X	X	BUR, KA, SWA, SOM, VIET
	Notice of Privacy Practice (long)*	X	X	X	X	X	X	X	X	X	X	X	X	
	OPWDD Medicare Forms*	X	X	X	X	X	X	X	X	X	X	X	X	HEB
	PISP Letter*	X	X	X	X	X	X	X	X	X	X	X	X	KA
	Privacy 4-page layout*	X	X	X	X	X	X	X	X	X	X	X	X	
	Privacy notice letter summary*	X	X	X	X	X	X	X	X	X	X	X	X	
	Privacy 3X5 card*	X	X	X	X	X	X	X	X	X	X	X	X	HEB
	Request to change representative payee*		X	X	X		X	X	X	X	X	X	X	

Revision for Personal allowance alert*	X	X	X	X	X	X	X	X	X	X	X	X	X	BOS
RFSO forms*	X	X	X	X	X	X	X	X	X	X	X	X	X	
Service Authorization: How to get started with OPWDD*	X	X	X	X	X	X	X	X	X	X	X	X	X	BUR, SOM, VIET, KA, SWA,
Service Coordination Flyer*	X	X	X	X	X	X	X	X	X	X	X	X	X	BUR, SOM, VIET, KA, SWA,
Self-Directed Services form	X	X	X	X	X	X	X	X	X	X	X	X	X	TURK
SPA Parent*	X	X	X	X	X	X	X	X	X	X	X	X	X	
SPA Individual*	X	X	X	X	X	X	X	X	X	X	X	X	X	
Spiritual Guide	X	X	X	X	X	X	X	X	X	X	X	X	X	
Self-Direction brochure*	X	X	X	X	X	X	X	X	X	X	X	X	X	NEP, SWA, BUR, KA, SOM,
Eligibility Checklist*	X	X	X	X	X	X	X	X	X	X	X	X	X	KA, SWA, BUR, NEP, SOM, VIET, JP, KIN
HCBS Consent Form*	X	X	X	X	X	X	X	X	X	X	X	X	X	
CCO Coverage Areas*	X	X	X	X	X	X	X	X	X	X	X	X	X	SOM, VIET, KA, TIG, BOS, KIN, PASH, Dari, UK
School Transition brochure*	X	X	X	X	X	X	X	X	X	X	X	X	X	BUR, BOS, SWA, FAR, KA, NEP, SOM.

OPWDD Food Consistency Guidelines											X			
Consent to participate in research at IBR											XS			
People First Coordinated Care Informational brochure*	X	X	X	X	X	X	X	X	X	X	X	X	X	Viet, GR, KA
IBR Consent for telemedicine											X			
Introduction to Self-Direction for Families			X								X			
Capacity to Assent (IBR)											X			
COVID Visitation Guidance*		X	X	X	X	X	X	X	X	X	X	X	X	
BPIR Tool Protocol (IBR)											X			
Consent for Services—no emergency funding											X			
Accessibility Fact Sheet (Census 2020)	X	X		X	X	X	X	X	X	X	X	X	X	
CAS Satisfaction Survey*	X	X	X	X	X	X	X	X	X	X	X	X	X	ALB, FAR, PORT, VIET, SWA
Voting FAQs		X	X	X	X	X	X	X	X	X	X	X	X	
How-to guide to self-direction											X			
COVID Vaccine Flyer*	X	X	X	X	X	X	X	X	X	X	X	X	X	
COVID Vaccine Plain Language Flyer*	X	X	X	X	X	X	X	X	X	X	X	X	X	

Footwear Update: Orthopaedic shoes		X	X	X	X	X	X	X	X	X	X	X	X	
Family Reimbursement application											X			
Family reimbursement guidelines											X			
DSP Core Competencies			X								X			
OPWDD DSP Code of Ethics			X								X			
CAS Notification Letter (State)*	X	X	X	X	X	X	X	X	X	X	X	X	X	ALB, FAR, HEB, PORT, SWA, VIET
CAS Notification Letter (Family)*	X	X	X	X	X	X	X	X	X	X	X	X	X	ALB, FAR, HEB, PORT, SWA, VIET
Queens Family Support Guide											X			
IBR Fragile X Center appointment confirmation letter											X			
IBR consent for diagnostic procedures											X			
IBR client registration											X			
IBR supplement to 110 form											X			
IBR Consent to release information											X			
IBR short privacy notice											X			
Transition Letter to Parents*	X	X	X	X	X	X	X	X	X	X	X	X	X	KA, NEP, SWA



IBR recovery after sedation: Biopsy instructions											X			
IBR form 12584											X			
IBR SR Parent Questionnaire											X			
Waiver Application Form*	X	X	X	X	X	X	X	X	X	X	X	X	X	
Informed Consent Guidance (COVID)	X	X	X	X	X	X	X	X	X	X	X	X	X	
IDGS Documentation Chart											X			
COVID-19 Prioritization memo for providers											X			
Care Manager Checklist											X			
CCO Disenrollment letter											X			
Role of the Care Manager*	X	X	X	X	X	X	X	X	X	X	X	X	X	ALB, FAR, HEB, PORT, SWA, VIET
NYSTART/CISDD Flyer*	X	X	X	X	X	X	X	X	X	X	X	X	X	
Family Support Services (FSS) brochure*	X	X	X	X	X	X	X	X	X	X	X	X	X	
OPWDD 507 Draft Plan*	X	X	X	X	X	X	X	X	X	X	X	X	X	
OPWDD 507 Survey Questions	X	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:**

OPWDD through its vendors (where applicable) will ensure that proofing/editing for correctness and cultural sensitivity are a component of the translation services provided by any vendor under contract as part of the publication process. OPWDD will also ensure that plain language is used in materials provided 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:** Karen Galarneau, OPWDD Director of Talent Development & Training and Nicole Weinstein, OPWDD Statewide Language Access Coordinator.

**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:**

At orientation; through mandatory language access annual training from the Office of Employee Relations; and through staff development training, by request, usually offered once or twice a year.



## **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 OPWDD Statewide Language Access Coordinator corresponds regularly with regional agency liaisons to assess the implementation of the agency’s Language Access Plan (LAP).

Agency liaisons informs Coordinator of any language access needs in the field and the coordinator works to figure out if OPWDD is meeting the need or if more assistance is necessary. The LAP will be monitored and updated as needed.

## **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:**

OPWDD displays information on the right to file a complaint and the procedure to file a complaint in the NYS-identified top 12 languages on signs posted throughout the agency. The complaint forms are also available for download or an online submission through OPWDD's website and at regional offices. Additionally, information on the right to file a complaint form is posted in the top 12 languages on our website. The OPWDD Language Access Policy & Procedure further describes the complaint process and is made available to all employees.

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

The following is from the OPWDD Language Access Policy & Procedure describing the agency's complaint process:

Members of the public have the right to access services regardless of their ability to speak, read, write and/or understand English. OPWDD has established the following complaint process for people with developmental disabilities, guardians, advocates, or family members. This process includes complaints filed in person, by telephone, by mail or by email. The complaint form is available from OPWDD in the top 12 languages covered by the language access law. It can be submitted in person or online.

All received complaints must be forwarded to the OPWDD Statewide Language Access Coordinator (LAC) for investigation. This includes complaints received by designated liaisons and staff at OPWDD's Developmental Disabilities State Operations Offices (DDSOOs) and Developmental Disabilities Regional Offices (DDROs).


The LAC at Central Office is responsible for investigating the Language Access complaints. Once a complaint has been filed, the LAC is responsible for sending an acknowledgement letter to the complainant within 14 business days from the receipt of the complaint. The


acknowledgement letter will initiate the complaint process, which will be completed within 60 business days. The LAC collaborates with DDSOO/DDRO employees to investigate complaint allegations. A determination with findings and recommendations, if appropriate, will be submitted to OPWDD's Counsel's Office and the respective director(s). Recommendations may include, but are not limited to: Staff training, the development of a language access plan tailored to a specific location and/or person, the provision of additional resources, and/or individualized plan. All staff will be trained in the complaint process.

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

**PART 7 – Signatures**

*an*

 Commissioner 9/28/22  
Head of Agency Title Date

 Lang. Access Coord. 9/28/22  
Agency LAC Title Date

 9/29/2022  
Executive Director, NYS Office of Language Access Date