

## Cultural Competency Program

### LANGUAGE ASSISTANCE INFORMATION

Federal law requires that all healthcare providers ensure all services are provided in a culturally competent manner and are accessible to all members, including those with limited-English proficiency (LEP), limited reading skills, who are deaf or hard of hearing or have diverse cultural and ethnic backgrounds. In accordance with Title VI of the Civil Rights Act, Prohibition against National Origin Discriminations, the President's Executive Order 131166, section 1557 of the Patient Protection and Affordable Care Act, the Health Plan and its providers must make language assistance available to persons with Limited English Proficiency (LEP) at all points of contact during all hours of operation. Oral interpretation, American Sign Language, and written translation are provided at no charge to eligible persons. Members must receive information instructing them on how to access these services. Notices of language assistance include:

- Per 42 CFR 438.10 and 45 CFR 92.8, providers must post nondiscrimination notices and language assistance taglines in lobbies and on websites. Language assistance taglines notify individuals of the availability of language assistance in at least the top 15 languages utilized in Arizona and must include at least one tagline in 18-point font.
- Providers must include nondiscrimination notices and taglines in significant correspondence sent to the member.
- For more information these requirements - <https://www.gpo.gov/fdsys/pkg/CFR-2017-title42-vol4/xml/CFR-2017-title42-vol4-sec438-10.xml>.

Arizona Complete Health offers participating providers and members access to a telephone (on demand/walk-in and telephone appointments) and face-to-face interpreters during business hours at no cost. To make a request, providers need to call the Provider Customer Contact Center at 1-866-796-0542.

### REMINDERS:

- It is the responsibility of the provider to ensure the interpretation is secured for the appointment, not the member.
- Please schedule the interpreter at least 5 business days ahead of the appointment to allow time for the language vendors to secure an interpreter.
- Arizona Complete Health language vendor resources are an option provided as a courtesy to help offset the cost of interpretation. However, you are not required to use our resources and should have vendor contracts of your own to meet all of your needs and to ensure the member has equal access to their treatment. Ultimately, providers should do whatever needed to ensure interpreters are available at the time of the appointment.
- If an interpreter cannot be secured with the Arizona Complete Health vendors, please do not reschedule the appointments multiple times. This is considered discriminatory under the federal requirements because effective communication and timely access to care are not being met. Members have a right to equitable access to care and effective communication and may be able to file a discrimination lawsuit against any provider who does not meet their needs.

THIS UPDATE APPLIES TO THE FOLLOWING **ARIZONA COMPLETE HEALTH** PROVIDER TYPES:

- Physicians
- Medical Groups/IPAs
- Hospitals
- Ancillary Providers
- Behavioral Health Physicians
- FQHC

### LINES OF BUSINESS:

- Allwell from AzCH (Medicare)
- Ambetter from AzCH (Marketplace)
- AzCH-Complete Care Plan (Medicaid)

### PROVIDER SERVICES:

1-866-796-0542  
[www.Azcompletehealth.com](http://www.Azcompletehealth.com)

## PROVIDER RESPONSIBILITIES:

- Ensure that interpreters are available at the time of the appointment.
- Ensure that members with limited English proficiency are not subject to unreasonable delays in the delivery of services including access to providers after hours.
- Extend the same participation opportunities in programs and activities to all members regardless of their language needs.
- Provide services to members with LEP that are as effective as those provided to others.

## A PROVIDER SHALL NOT:

- Require an individual with limited English proficiency to provide their own interpreter.
- Rely on an adult accompanying an individual with limited English proficiency to interpret or facilitate communication, except:
  - In an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no qualified interpreter for the individual with limited English proficiency immediately available;
  - Where the individual with limited English proficiency specifically requests that the accompanying adult interpret or facilitate communication, the accompanying adult agrees to provide such assistance, and reliance on that adult for such assistance is appropriate under the circumstances;
- Rely on a minor child to interpret or facilitate communication, except in an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no qualified interpreter for the individual with limited English proficiency immediately available;
- Rely on staff other than qualified bilingual/multilingual staff to communicate directly with individuals with limited English proficiency.

## DID YOU KNOW?

Most language vendors require a 2-hour minimum charge for interpretation, plus travel expenses. If the member's appointment is only 15-30 minutes, the 2 hours is still charged. Whenever possible, consider scheduling appointments with members needing an interpreter in the same language close together so multiple members may be seen within that 2-hour minimum timeframe.

## WRITTEN MATERIALS

The provider shall provide easy-to-understand print and member information materials, materials in alternative formats, as well as signage in the languages commonly used by the populations in the service area. This includes the production of materials with consideration of members with LEP or limited reading skills, those with diverse cultural and ethnic backgrounds, and those with visual or auditory limitations.

Providers must provide written translation to members with LEP upon request, at no charge. Providers shall ensure written translations are provided in the following manner:

- Written materials that are critical to obtaining services (also known as vital materials) shall be made available in the prevalent non-English language spoken for each LEP population in the service area. [42 CFR 438.3(d)(3)] Oral interpretation services shall not substitute for written translation of vital materials.
- For Medicaid, all written materials for members shall be translated into Spanish regardless of whether or not they are vital.
- In general, any document that requires the signature of the Member, and that contains vital information, such as the treatment, medications or notices, or service plans must be translated into their preferred/primary language upon request.

## 508 ACCESSIBILITY COMPLIANCE

- In 1998 the US Congress amended the Rehabilitation Act to require Federal agencies to make their electronic and information technology accessible to people with disabilities. Section 508 was enacted to eliminate barriers in information technology, to make available new opportunities for people with disabilities, and to encourage the development of technologies that will help achieve these goals.
- Materials posted to your website need to be made 508 compliant before they can be posted on the website. This is to ensure the documents meet the requirements for readability by persons with disabilities. For more information about the 508 requirements, see <https://section508.gov/content/learn>.

## ANNUAL CULTURAL COMPETENCY TRAINING

Providers are required to offer services in a culturally and linguistically sensitive manner. Medicaid providers are required to have annual cultural competency training, and it is encouraged for Medicare and Marketplace providers. To meet the training requirement, providers are encouraged to take the cultural competency training that is located on the Arizona Complete Health website at <https://www.azcompletehealth.com/providers/resources/provider-training.html>. Providers who take this training will receive a certificate of completion.

In addition, providers are encouraged to consider taking cultural competency courses through the U.S. Department of Health and Human Services (HHS) Office of Minority Health (OMH) as part of their continuing education at <https://thinkculturalhealth.hhs.gov/education/>.

## WRITTEN COMMUNICATION-DO YOU USE INCLUSIVE AND SENSITIVE LANGUAGE?

Welcoming environments that are inclusive of diverse cultural needs of members include using culturally sensitive, gender-neutral, and inclusive language. Here are some tips on terms that are exclusionary and insensitive, along with suggestions of words to use to be inclusive and sensitive so members feel included and welcome in your organization:

<b><i>Exclusionary</i></b>	<b><i>Inclusive</i></b>
his, her, his or her, his/her	their, the members
he, she, he or she, he/she	they, the members
him, her, him or her, him/her	them
himself, herself, himself or herself	themselves
<b><i>Offensive/Insensitive</i></b>	<b><i>Sensitive</i></b>
hearing impaired	deaf or hard of hearing
visual impairment	blind or low vision
LEP members	members with limited English proficiency
sexual preference	sexual orientation

## ADDITIONAL INFORMATION

If you have questions regarding the information contained in this update, please email [AzCHCulturalAffairs@azcompletehealth.com](mailto:AzCHCulturalAffairs@azcompletehealth.com).