

Office for Civil Rights Decision Docket

Prepared by: Jane Perkins
NHeLP, NC Office

August 11, 2005 Update
Posted March 31, 2006

The U.S. Department of Health and Human Services Office for Civil Rights (OCR) is the lead Title VI enforcement agency within DHHS. Compliance activity typically occurs through the OCR regional offices (see listing of states, by regional office, below).

This annotated docket summarizes OCR decisions that concern the provision of language services in federally-funded health care settings. Some of the documents are the result of compliance reviews initiated by an OCR regional office, while others respond to complaints filed by persons alleging that language barriers have delayed or prevented adequate care. The responses are most frequently provided as letters to the federal fund recipient; however, as the docket below reflects, formal compliance agreements are sometimes issued.

The documents summarized in this docket were obtained through a Freedom of Information Act request and primarily cover the 2000-2003 timeframe (although some pre-2000 decisions are included). The first edition of the docket covered the 1990-2000 timeframe and was published as an appendix to NHeLP's language access manual: Jane Perkins, Mara Youdelman, and Doreena Wong, *Ensuring Linguistic Access in Health Care Settings: Legal Rights and Responsibilities* Appendix C (2d ed., Aug. 2003) (published by The California Endowment and available from the National Health Law Program, Los Angeles, CA).

This docket maintains the reference system used in the first edition of the docket. Documents are summarized by OCR region. Each document has been assigned a reference number, for example IV-08 (IV refers to the OCR region, and 08 refers to the call number that NHeLP has assigned the document). The numbering of documents within each region begins where the first edition of the docket ended. If you would like to obtain a copy of a specific document, please contact the National Health Law Program's Los Angeles office, at (310) 204-6010, and order the document by reference number. You will be charged a small fee for copying, plus shipping and handling.

OTHER OFFICES

OCR Regional Offices

- Region I: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont
- Region II: New Jersey, New York, Puerto Rico, Virgin Islands
- Region III: Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia
- Region IV: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee
- Region V: Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin
- Region VI: Arkansas, Louisiana, New Mexico, Oklahoma, Texas
- Region VII: Kansas City (Iowa, Kansas, Missouri, Nebraska)
- Region VIII: Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming
- Region IX: American Samoa, Arizona, California, Guam, Hawaii, Nevada
- Region X: Alaska, Idaho, Oregon, Washington

Index to OCR Documents

Decisions that mention the need for written language access plans: III-07, III-08, III-09, III-12, III-13, III-14, III-20, III-21, III-24, IV-07, IV-08, IV-09, IV-10; IV-11, IV-12, IV-13, IV-14, IV-15, IV-17, IV-18, IV-19, IV-20, IV-21, IV-22, IV-23, IV-24, IV-25, IV-26, IV-27, IV-28, IV-29, IV-30, IX-28, IX-30, X-22, X-23, X-24, X-25, X-26, X-30, X-31, X-32, X-33

Decisions that discuss the need to offer interpreter services to patients and to advise that interpreting is free: I-18, III-05, III-06, III-07, III-08, III-09, III-10, III-11, III-12, III-13, III-14, III-15, III-16, III-17, III-18, III-19, III-20, III-21, III-22, III-23, III-25, IV-7, IV-10, IV-11, IV-12, IV-13, IV-14, IV-16, IV-17, IV-18, IV-19, IV-20, IV-21, IV-22, IV-23, IV-24, IV-25, IV-30, III-26, IV-26, IV-27, IV-28; IV-30; V-31, V-32, V-33, V-34, V-35, V-36, V-37, V-38, V-39, V-40, V-41, V-42, V-43, V-45, V-46, V-47, V-48, VI-10, VI-11, VI-12, VI-13, VI-14, VI-15, VI-16, VI-17, VI-18, VI-19, VII-6, VIII-4, IX-28, IX-29, IX-30, X-27, X-28, X-32, X-36, X-37, X-38, X-39

Decisions that mention telephonic communication services: III-05, III-06, III-07, III-08, III-09, III-10, III-11, III-12, III-13, III-14, III-15, III-16, III-17, III-18, III-19, III-20, III-21, III-22, III-23, III-24, III-25, IV-7, IV-9, IV-10, IV-11, IV-12, IV-13, IV-14, IV-20; IV-30, V-31, V-32, V-37, V-38, V-39, V-41, V-42, V-43, V-45, V-46, V-47, V-48, VI-10, VI-11, VI-12, VI-13, VI-15, VI-16, VI-19, VII-6, IX-28, IX-29, X-27, X-32, X-36, X-37, X-38, X-39

Decisions that mention use of family/friends as interpreters: III-06, III-07, III-08, III-09, III-11, III-24, IV-9, IV-10, IV-11, IV-12, IV-13, IV-14, IV-20, IV-30, V-31, V-32, V-33, V-37, V-38, V-39, V-40, V-41, V-42, V-43, V-45, V-46, V-47, V-48, VI-19, VII-06, IX-28, IX-30

Decisions that mention notices/community outreach as a factor in determining compliance: III-05, III-06, III-10, X-33, III-11, III-12, III-15, III-16, III-17, III-18, III-19, III-20, III-24, III-25, IV-15, IV-16, IV-17, IV-18, IV-19, IV-20; IV-30, V-40, V-45, V-48, VI-15, VI-16, VI-17, VI-18, VI-22, VI-23, VI-31, VI-32, VII-04, VII-06, VIII-05, VIII-06, VIII-07, VIII-08, IX-28

Decisions that mention quality of interpretation: III-06, III-14, III-15, III-16, III-18, III-20, III-21, III-22, III-24, IV-7, IV-9, IV-10, IV-11, IV-12, IV-13, IV-18, IV-20, IV-22, V-31, V-41, V-45, VI-19, VII-06, IX-28, IX-30, X-27, X-32, X-39

Decisions that mention the needs of the recipient's service area: III-09, III-10, III-11, III-12, III-13, III-14, III-18, III-19, III-20, III-22, III-23, III-24, III-25, IV-7, IV-9, IV-10, IV-11, IV-12, IV-13, IV-14, IV-18, IV-19, IV-20, IV-22, IV-30, V-31, V-40, V-45, V-46, V-47, V-48, VI-10, VI-11, VI-15, VI-16, VI-17, VI-19, VI-22, VI-23, VII-06, VIII-05, VIII-06, VIII-07, VIII-08, IX-28, X-31, X-32, X-35, X-38

Decisions that discuss written translations: I-18, III-06, III-07, III-08, III-09, III-10, IV-7, III-11, III-12, III-13, III-14, III-15, III-16, III-17, III-18, III-19, III-20, III-21, III-22, III-24, III-25, III-26, IV-9, IV-10, IV-12, IV-13, IV-14, IV-15, IV-16, IV-17, IV-18, IV-19, IV-20, IV-21, IV-22, IV-23, IV-24, IV-25, IV-26, IV-27, IV-28, IV-30, V-31, V-32, V-33, V-34, V-35, V-36, V-37, V-38, V-39, V-40, V-41, V-42, V-43, V-45, V-46, V-47, V-48, VI-10, VI-11, VI-12, VI-13, VI-14, VI-15, VI-16, VI-17, VI-18, VI-19, VI-20, VI-21, VI-22, VI-23, VII-04, VII-05, VII-06, VIII-04, VIII-05, VIII-07, VIII-08, IX-28, IX-30, X-22, X-23, X-24, X-25, X-26, X-27, X-28, X-30, X-31, X-32, X-33, X-34, X-35, X-36, X-37, X-38, X-39

Decisions that discuss the assignment of individuals to coordinate language services: III-15, III-17, III-24, IV-15, IV-20, V-30, V-32, V-35, V-41, V-42, V-43, IX-28, IX-30, X-36

Decisions that mention patient tracking as relevant to compliance: III-06, III-07, III-08, III-09, III-11, III-12, III-18, III-19, III-21, III-22, III-23, III-24, IV-7, IV-13, IV-20, IV-30, V-32, V-33, V-37, V-40, V-41, V-42, V-43, V-44, V-45, V-46, V-47, V-48, VI-19, VII-05, VII-06, VIII-04, IX-28, IX-30, X-32

Decisions that mention the need for adequate interpreter staffing levels: III-06, III-07, III-08, III-09, III-10, III-11, III-12, III-13, III-14, III-16, III-17, III-18, III-19, III-20, III-21, III-23, III-25, IV-7, IV-9, IV-10, IV-11, IV-12, IV-13, IV-14, IV-18, IV-20, IV-30, V-34, V-35, V-39, V-40, V-41, V-42, V-43, V-44, V-45, V-46, V-47, V-48, VII-06, VIII-04, IX-28, IX-30, X-22, X-23, X-24, X-25, X-26, X-27, X-28, X-30, X-31, X-32, X-35, X-36, X-37, X-38, X-39

Decisions that discuss staff training and awareness as a compliance factor: III-05, III-06, III-08, III-09, III-10, VIII-4, III-12, III-13, III-16, III-18, III-19, III-20, III-21, III-24, III-25, IV-09, IV-10, IV-12, IV-13, IV-14, IV-20, IV-21, IV-30; V-32, V-41, IX-29, IX-30

Cases involving Head Start Programs: IV-17, IV-18

Cases involving TANF: III-10, IX-28

Cases involving SCHIP programs: V-48

Cases involving managed care providers: III-05, III-19, IV-16, V-31, V-32, V-34, V-25, V-26, V-37, V-38, V-39, IX-29

Decisions that mention cultural sensitivity: III-24, IV-13, IV-14, VI-14

OCR Document Summaries

Region I

I-17: January 31, 2002 letter to Thomas Ryan, CVS Corporation, Woonsocket, RI, from Caroline Chang, OCR Region I (Ref. No. 01003020). OCR investigated in response to a complaint. The investigation was closed after records of the disputed prescription were unable to be located.

I-18: January 28, 2000 letter to William Young, Central Maine Medical Center, Lewiston, ME, from Caroline Chang, OCR Region I (Ref. No. 01997035). OCR investigated the Center and found it compliant with Title VI and Hill-Burton.

Region II

II-04: January 19, 2001 letter to J.R. Peter Nelson, Addabbo Family Health Center, Inc., Arverne, NY, from Michael Carter, OCR Region II (Ref. No. 02997015). OCR investigated the Center and found it compliant under Title VI and Section 504.

II-05: April 23, 2001 letter to Mark Bryant, CAMcare Health Corporation, Camden, NJ, from Michael Carter, OCR Region II (Ref. No. 02997006). OCR investigated the facility and found it compliant under Title VI and Section 504.

Region III

III-05: (undated) letter to Megan Padden, Sentara Family Care, Virginia Beach, VA, from Paul Cushing, OCR Region III. (Ref. No. 03997038). After the OCR conducted a compliance review, the following recommendations were issued: (1) provide notice of the availability of interpreters in Spanish and remind providers of their obligation to provide for communication with non-English speakers.

III-06: (undated) letter to James Cole, Arlington Hospital, Arlington, VA, from Paul Cushing, OCR Region III (Ref. No. 03997032). OCR investigated Arlington Hospital and found some potential violations. OCR recommended the following: (1) utilize contract interpreters in addition to bilingual staff and the telephone language line; (2) provide in-house interpreters with training; (3) post signs to notify LEP persons about the availability of services; (4) translate or obtain translated copies of written patient assistance materials; (5) develop a system to track LEP persons; and (6) modify the current policy to assure that staffers are notified of their specific obligations.

III-07: (undated) letter to Ronald Ewald, Inova Fairfax Hospital, Falls Church, VA, from Paul Cushing, OCR Region III (Ref. No. 03997034). OCR investigated Inova Fairfax Hospital and found some potential violations. OCR recommended the following: (1) modify the recipient's policy to notify staff members of the facility's responsibility to ensure effective written and oral communications with LEP persons; (2) develop a new written procedure for requesting in-house interpreter services; (3) provide in-house interpreters with training on effective interpreting in the medical setting; (4) post signs in the most frequently used languages to notify LEP persons about the availability of interpreter services and how to access those services; (5) utilize contract interpreters in addition to bilingual staff and the telephone language line; and (6) develop a method of ensuring that LEP persons are provided with communication assistance.

III-08: (undated) letter to JoAnne Jorgensen, Fairfax County Health Department, Fairfax, VA, from Paul Cushing, OCR Region III. (Ref. No. 03007015). OCR investigated Fairfax County Health Department and found some potential violations. OCR recommended the following: (1) revise the language policy and provide all staff with a written copy of the new policy; (2) provide staff with annual training/workshops on LEP issues; (3) communicate to staff that use of a family member or friend may only take place after staff informs an LEP person of the right to free interpreter services; (4) inform patients/clients of their rights to free language assistance; (5) provide interpreter assistance to LEP persons to explain forms; and (6) continue ongoing monitoring and assessment.

III-09: September 28, 2001 letter to Susan Allan, Arlington County Health Department, Arlington, VA, from Paul Cushing, OCR Region III. (Ref. No. 03007016). OCR investigated the Arlington County Health Department and found potential violations. OCR recommended the following: (1) develop and implement a written policy for LEP persons and provide staff with a copy; (2) document the needed language in each LEP person's file; (3) provide staff with training opportunities; (4) communicate to staff that use of a family member or a friend may take place only after LEP person has been informed of the right to a free interpreter; (5) advise patients/clients of their right to free language assistance services; (6) revise all areas of the web-site(s) to reflect current language policies; (7) provide interpreter assistance to patients who are completing forms; (8) use contract interpreters when one is not available in-house; and (9) conduct periodic monitoring and assessment.

III-10: September 28, 2001 letter to Vincent Meconi, Delaware Department of Health and Social Services TANF, from Paul Cushing, OCR Region III. (Ref. No. 03997037). OCR conducted a compliance review and found the Department in compliance.

III-11: December 21, 2001 letter to Jeffrey Romoff, Western Psychiatric Institute and Clinic, Pittsburgh, PA, from Paul Cushing, OCR Region III. (Ref. No. 03017006). OCR completed an investigation and found the entity in compliance with Title VI. OCR made the following recommendations: (1) indicate that interpreter/translation services are "free"; (2) include a statement regarding the confidentiality of information for Language Bank participants; (3) provide each staff person and contract staff with a copy of the language policies and procedures; (4) inform the community at large of the provision of free interpreter services with signs, web-site postings, translated language brochures, and communication with community organizations; (5) assess the most prevalent non English languages spoken in the service area; (6) communicate to patients that use of a family member may only take place after an LEP individual is informed of the right to free interpreter services, and; (7) develop a tracking system to monitor encounters with LEP persons.

III-12: July 30, 2001 letter to Irma Goertzen, Magee Women's Hospital, Pittsburgh, PA, from Paul Cushing, OCR Region III (Ref. No. 03017002). OCR completed an investigation and found the entity in compliance. Compliance was found on the basis of use and availability of interpreters, written policies and procedures, and staff knowledge of rights and responsibilities regarding language services.

III-13: September 28, 2001 letter to David Martin, UPMC Shadyside, Pittsburgh, PA, from Paul Cushing, OCR Region III (Ref. No. 03017001). OCR completed an investigation and found the entity in compliance. Compliance was found on the basis of use and availability of interpreters, written policies and procedures, and staff knowledge of rights and responsibilities regarding language services.

III-14: (undated) letter to Maureen Gallo, Community Hospital of Lancaster, Lancaster, PA, from Paul Cushing, OCR Region III. Community Hospital of Lancaster (Ref. No. 03007013). OCR

completed an investigation and found the entity in compliance, in part because of changes made as a result of the compliance review. Compliance was found on the basis of the use and availability of interpreters, written policies and procedures, and staff knowledge of rights and responsibilities, among other factors.

III-15: (undated) letter to Chris Paterson, AmeriChoice of Pennsylvania, Philadelphia, PA, from Paul Cushing, OCR Region III (Ref. No. 03997048). OCR completed an investigation and found the entity in compliance, in part because of changes made as a result of the compliance review. Compliance was found on the basis of the use of telephone communication, translated written materials, and community activities.

III-16: (undated) letter to Sonia Madison, Health Partners Health Plan, Philadelphia, PA, from Paul Cushing, OCR Region III (Ref. No. 03997047). OCR completed an investigation and found the entity in compliance, in part because of changes made as a result of the review. Compliance was found on telephone communication, translated written materials, and community activities.

III-17: (undated) letter to Julia Champion, OakTree Health Plan, Philadelphia, PA, from Paul Cushing, OCR Region III (Ref. No. 03997046). OCR completed an investigation in response to complaints by community groups and found the entity in compliance, in part because of changes made as a result of the review. Compliance was found on the basis of the use of telephone communication, translated written materials, and community activities.

III-18: (undated) letter and accompanying Resolution Agreement to Daniel Hilferty, Keystone Mercy Health Plan, Lester, PA, from Paul Cushing, OCR Region III (Ref. No. 03997045 (letter); No. 03993022 (Resolution Agreement)). OCR completed an investigation in response to complaints by community groups. The entity entered a Resolution Agreement to ensure: (1) effective communication with LEP persons in providing information about their benefits and rights under the Plan; (2) effective communication with LEP members of correspondence from the Plan and its subcontractors; (3) effective communication with LEP members with respect to written educational materials; (4) participating hospitals and providers communicate effectively with LEP members, and; (5) the Plan staff communicates effectively with LEP members and potential members.

III-19: (undated) letter to Martha Waters, Benova, Inc., Philadelphia, PA, from Paul Cushing, OCR Region III (Ref. No. 03997044). OCR completed an investigation in response to complaints by community groups and found the entity in compliance, in part because of changes made as a result of the review. Compliance was found on the basis of the use of telephone communication, translated written materials, and community activities.

III-20: April 9, 2001 letter to Gary Rightmaire, Berks County Assistance Office, Reading, PA, from Paul Cushing, OCR Region III (Ref. No. 03997041). OCR completed an investigation and found the entity in compliance, in part because of changes made as a result of the review. Changes included: (1) developing a written policy and procedure to communicate effectively with LEP persons; (2) communicating the written policy to staff members, and (3) informing applicants, clients and persons in its service area of the availability of free language assistance services.

III-21: April 20, 2000 letter to Wilford Payne, Primary Care Health Services, Inc., Pittsburgh, PA, from Paul Cushing, OCR Region III (Ref. No. 03997040). OCR completed an investigation and found the entity in compliance, in part because of changes agreed to as a result of the review, including to: (1) develop a broad-based roster of competent foreign language interpreters; (2) establish access to an available telephone language interpreter service; (3) develop a uniform policy/procedure for the timely

and effective access to language assistance services for LEP persons; (4) instruct staff to inform patients of the availability of language assistance services at points of entry within the entity's service structure; (5) mandate training sessions on LEP policies and procedures; (6) translate written materials and forms; (7) monitor and evaluate policies periodically, and (8) record the language needs of each LEP patient in his/her file.

III-22: (undated) letter to Bernadette Mangan, Mercy Hospital of Philadelphia, from Paul Cushing, OCR Region III (Ref. No. 03997033). OCR completed an investigation and found some changes were needed to: (1) develop and implement a formal method to track the number of persons the hospital serves who are LEP, and (2) develop and implement a tracking system to record the number of language interpreting hours provided to persons who are LEP.

III-23: (undated) letter to Mary Morrison, Mercy Fitzgerald Hospital, Darby, PA, from Paul Cushing, OCR Region III (Ref. No. 03997033). OCR completed an investigation and found some necessary changes to: (1) develop and implement a formal method to track the number of persons the hospital serves who are Limited English Proficient; and (2) develop and implement a tracking system to record the number of language interpreting hours provided to persons who are LEP.

III-24: (undated) letter to Mark Brazitis, Lancaster General Hospital, Lancaster, PA, from Paul Cushing, OCR Region III (Ref. No. 03997031). OCR completed an investigation and found the entity in compliance with Title VI. The entity agreed to make the following changes to: (1) develop written communication policy/procedures; (2) discuss policy/procedures with department heads; (3) mail information about the language assistance services to relevant community groups and agencies; (4) provide cultural awareness training, and; (5) develop a uniform tracking system.

III-25: (undated) letter to Joseph Cimerola, Sacred Heart Hospital, Allentown, PA, from Paul Cushing, OCR Region III (Ref. No. 03997029). OCR completed an investigation and found the entity in compliance with Title VI. This finding was made on the basis of written policies and procedures for LEP patients; the use of bilingual staff, telephone language line; a language access manual; staff awareness of Title VI obligations; and efforts to disseminate information.

III-26: February 3, 2000 letter and accompanying Compliance Agreement to Susan Swartz, CareNet Southern Health Services, Richmond, VA, from Paul Cushing, OCR Region III (Ref. No. 03997039). OCR investigated CareNet and found potential violations. OCR recommended the following: (1) notify the staff that patients are to be offered interpreters at no cost and that family and friends are not to be used unless specifically requested; (2) develop a plan to codify these changes, including informing providers of their responsibility to provide interpreters; (3) provide OCR with the number of LEP persons served, the number of interpreter/bilingual contacts, and hours of service provided; (4) provide OCR with a copy of the recipient's newsletter, which shall include notice of a TDD number; and (5) inform OCR of what actions will be taken to ensure compliance.

Region IV

IV-07: (undated) letter to Daniel Whitehurst, Oconee Country Department of Social Services, Walhalla, SC, from Roosevelt Freeman, OCR Region IV (Ref. No. 04007063, corrected from 04007126). OCR completed an investigation and found violations under Title VI. OCR recommended the following: (1) conducting a comprehensive assessment of the language needs of the population; and (2) developing a written policy on language access, which should provide a range of oral language assistance options, notice to LEP persons of the right to free language assistance, training to staff, and monitoring of the program.

IV-08: (undated) letter to William Walker, Lexington County Department of Social Services, Lexington, SC, from Roosevelt Freeman, OCR Region IV (Ref. No. 04007061, corrected from 04007124). OCR investigated the recipient and found it non-compliant under Title VI. OCR recommended the following: (1) conduct a comprehensive assessment of the language needs of the population; (2) develop a written policy on language access, which shall include policies and procedures for identifying and assessing need of its LEP applicants/clients, a range of oral language assistance programs, notice to LEP persons of the right to free language assistance, periodic training of staff, monitoring of the program and translation of written materials.

IV-09: (undated) letter to Audrey Horne, Georgia Department of Human Resources, and Tifton County Health Department, from Roosevelt Freeman, OCR Region IV (Ref. No. 04003106). In response to a complaint, OCR completed an investigation and found the entity in violation of Title VI because of the lack of a comprehensive language assistance program; failure to provide interpreters when needed to communicate with LEP persons; failure to treat LEP patients with respect, including making derogatory comments; and a lack of privacy. OCR provided the following suggestions as an opportunity for voluntary compliance: (1) conduct a comprehensive assessment of the language needs of the population being served; (2) develop a comprehensive written policy on language access; (3) develop procedures for obtaining and providing trained and competent interpreters; (4) provide translated written materials; (5) develop methods for notifying LEP persons regarding their right to language assistance and the availability of such assistance free of charge; (6) train staff on LEP policies and procedures, and (7) develop monitoring systems.

IV-10: (undated) letter to Gary Redding, Georgia Department of Human Services, and Forsyth County Health Department, from Roosevelt Freeman, OCR Region IV (Ref. No. 04017060). OCR completed an investigation and found the health department in violation of Title VI based on the lack of policies and procedures for providing language assistance, the use of family and friends to interpret, the use of unqualified interpreters, a lack of telephone language line access, and the lack of translated documents. OCR provided the following suggestions as an opportunity for voluntary compliance: (1) conduct a comprehensive assessment of the language needs of the affected population; (2) develop a comprehensive written policy on language access; (3) provide translated written materials; (4) develop methods for notifying LEP persons of their right to language assistance and the availability of such assistance free of charge; (5) develop procedures for obtaining and providing trained and competent interpreters; (6) train staff on LEP policies and procedures, and (7) develop monitoring systems.

IV-11: (undated) letter to Gary Redding, Georgia Department of Human Services, and Gwinnett County Families and Children Services, from Roosevelt Freeman, OCR Region IV (Ref. No. 04017030). OCR completed an investigation and found the entity in violation of Title VI based on the failure to establish the competency of interpreters, use of family and friends to interpret, the lack of telephone language line access, and the lack of translated documents. OCR provided the following suggestions as an opportunity for voluntary compliance: (1) conduct a comprehensive assessment of the language needs of the area population; and (2) develop a comprehensive written policy on language access.

IV-12: (undated) letter to Gary Redding, Georgia Department of Human Services, and Clayton County Family and Children Services, from Roosevelt Freeman, OCR Region IV (Ref. No. 04017026). OCR completed an investigation and found the entity in violation of Title VI based on failure to establish the competency of interpreters, the lack of telephone language line access, and a lack of translated documents. OCR provided the following suggestions as an opportunity for voluntary compliance: (1) conduct a comprehensive assessment of the language needs of the area population; (2) develop a comprehensive written policy on language access; (3) provide translated

written materials; (4) develop methods for notifying LEP persons regarding their right to language assistance and the availability of such assistance free of charge; (5) train staff on LEP policies and procedures, and (6) develop monitoring systems.

IV-13: (undated) letter to Gary Redding, Georgia Department of Human Services, and Tara Health Department, from Roosevelt Freeman, OCR Region IV (Ref. No. 04017025). OCR investigated the entity and found violations of Title VI based on the failure to provide cultural competency training, the failure to establish the competency of interpreters, a lack of telephone language line access, and the failure to develop and implement adequate written policies and procedures concerning the provision of language access services. OCR provided the following suggestions as an opportunity for voluntary compliance: (1) conduct a comprehensive assessment of the language needs of the area population; (2) develop a comprehensive written policy on language access; (3) provide translated written materials; (4) develop methods for notifying LEP persons regarding their right to language assistance and the availability of such assistance free of charge; (5) train staff on LEP policies and procedures; and (6) develop monitoring systems.

IV-14: (undated) letter to Gary Redding, Georgia Department of Human Services, and Forest Park Health Department, from Roosevelt Freeman, OCR Region IV (Ref. No. 04017024). OCR completed an investigation and found the entity in violation of Title VI based on the failure to provide cultural competency training, the failure to establish the competency of interpreters, a lack of telephone language line access, and the failure to develop and implement adequate written policies and procedures concerning the provision of language access services. OCR provided the following suggestions as an opportunity for voluntary compliance: (1) conduct a comprehensive assessment of the language needs of the area population; (2) develop a comprehensive written policy on language access; (3) provide translated written materials; (4) develop methods for notifying LEP persons regarding their right to language assistance and the availability of such assistance free of charge; (5) train staff on LEP policies and procedures; and (6) develop monitoring systems.

IV-15: September 11, 2000 letter to Norman Urmey, Vanderbilt University Medical Center, Nashville, TN, from Roosevelt Freeman, OCR Region IV (Ref. No. 04997408). OCR completed an investigation and found problems with Title VI, based on the following: (1) failure to maintain a complete interpreter's list; (2) delays in interpretation; (3) failure to institute proper procedures to ensure adequate communication; (4) failure to implement adequate steps to ensure access to translators list; (5) failure to provide discharge and medical device information in the primary language, and; (6) failure to translate admission or consent forms. (January 3, 2001 letter from David R. Posch, Chief Operating Officer, Vanderbilt Medical Group, to Roosevelt Freeman, OCR Region IV, also included, describes steps the facility will take to improve Title VI compliance, including revision of the written LEP policy, increasing availability of qualified interpreters, designating a senior staffer to coordinate LEP services, and staff training.)

IV-16: May 3, 2000 letter to Terrance Dillon, Vencor Inc. Caldwell Care Center, Louisville, KY, from Dolores Braun, OCR Region IV. (Ref. No. 10007005). OCR completed an investigation and found the entity in compliance with Title VI. This finding was made based on policies and procedures in place, data on language assistance provided, input from community groups, and translated materials.

IV-17: (undated) letter to Ernie Bell, Palmetto Health District Richland County Health Department, Department of Health and Environmental Control, Columbia, SC, from Roosevelt Freeman, OCR Region IV (Ref. No. 04007051, corrected from 04007114). OCR investigated the recipient and found it out of compliance with Title VI. OCR recommended the following: (1) conduct a comprehensive assessment of the language needs of the population; (2) develop a written policy on language access,

which shall include policies and procedures for identifying and assessing need of its LEP applicants/clients, provide for a range of oral language assistance programs, notice to LEP persons of the right to free language assistance, periodic staff training, monitoring of the program and translation of written materials.

IV-18: (undated) letter to Becky Campbell, Appalachia I Health District, Oconee County Health Department, Department of Health and Environmental Control, Walhalla, SC, from Roosevelt Freeman, OCR Region IV (Ref. No. 04007049). OCR investigated the recipient and found it non-compliant under Title VI. OCR recommended the following: (1) conduct a comprehensive assessment of the language needs of the population; (2) develop a written policy on language access, which shall include policies and procedures for identifying and assessing the needs of LEP applicants/clients, a range of oral language assistance programs, notice to LEP persons of the right to free language assistance, periodic training of staff, monitoring of the program and translation of written materials.

IV-19: (undated) letter to Ernie Bell, Palmetto Health District, Newberry County Health Department, Department of Health and Environmental Control, Newberry, SC, from Roosevelt Freeman, OCR Region IV (Ref. No. 04007048). OCR investigated the recipient and found it non-compliant under Title VI. OCR recommended the following: (1) conduct a comprehensive assessment of the language needs of the population; (2) develop a written policy on language access, which shall include policies and procedures for identifying and assessing the needs of LEP applicants/clients, a range of oral language assistance programs, notice to LEP persons of the right to free language assistance, periodic training of staff, monitoring of the program and translation of written materials.

IV-20: (undated) letter to Ernie Bell, Palmetto Health District, Lexington County Health Department, Department of Health and Environmental Control, Lexington, SC, from Roosevelt Freeman, OCR Region IV. (Ref. No. 04007047, corrected from 04007110). OCR investigated the recipient and found it out of compliance with Title VI. OCR recommended the following: (1) conduct a comprehensive assessment of the language needs of the population; (2) develop a written policy on language access, which shall include policies and procedures for identifying and assessing the need of LEP applicants/clients, a range of oral language assistance programs, notice to LEP persons of the right to free language assistance, periodic training of staff, monitoring of the program and translation of written materials.

IV-21: (undated) letter to Mary Helen Niemeyer, Low Country Health District, Jasper County Health Department, Department of Health and Environmental Control, Ridgeland, SC, from Roosevelt Freeman, OCR Region IV (Ref. No. 04007046). OCR investigated the recipient and found it non-compliant under Title VI. OCR recommended the following: (1) conduct a comprehensive assessment of the language needs of the population; (2) develop a written policy on language access, which shall include policies and procedures for identifying and assessing needs of LEP applicants/clients, a range of oral language assistance programs, notice to LEP persons of the right to free language assistance, periodic training of staff, monitoring of the program and translation of written materials.

IV-22: (undated) letter to Mary Helen Niemeyer, Low Country Health District, Hampton County Health Department, Department of Health and Environmental Control, Varnville, SC, from Roosevelt Freeman, OCR Region IV (Ref. No. 04007045 corrected from 04007108). OCR investigated the recipient and found it non-compliant under Title VI. OCR recommended the following: (1) conduct a comprehensive assessment of the language needs of the population; (2) develop a written policy on language access, which shall include policies and procedures for identifying and assessing need of its LEP applicants/clients, a range of oral language assistance programs, notice to LEP persons of the

right to free language assistance, periodic training of staff, monitoring of the program and translation of written materials.

IV-23: December 14, 2000 letter to Mary Helen Niemeyer, Low Country Health District, Beaufort County Health Department, Department of Health and Environmental Control, Bluffton, SC, from Roosevelt Freeman, OCR Region IV (Ref. No. 04007042, corrected from 04007105). OCR investigated the recipient and found it non-compliant under Title VI. OCR recommended the following: (1) conduct a comprehensive assessment of the language needs of the population; (2) develop a written policy on language access, which shall include policies and procedures for identifying and assessing need of its LEP applicants/clients, a range of oral language assistance programs, notice to LEP persons of the right to free language assistance, periodic training of staff, monitoring of the program and translation of written materials.

IV-24: (undated) letter to Michael Watson, Edisto Health District, Bamberg County Health Department, Department of Health and Environmental Control, Bamberg, SC, from Roosevelt Freeman, OCR Region IV (Ref. No. 04007057). OCR investigated the recipient and found it out of compliance with Title VI. OCR recommended the following: (1) conduct a comprehensive assessment of the language needs of the population; (2) develop a written policy on language access, which shall include policies and procedures for identifying and assessing need of its LEP applicants/clients, a range of oral language assistance programs, notice to LEP persons of the right to free language assistance, periodic training of staff, monitoring of the program and translation of written materials.

IV-25: (undated) letter to Mary Wrihten, Jasper County Department of Social Services, Ridgeland, SC, from Roosevelt Freeman, OCR Region IV (Ref. No. 04007059). OCR investigated the recipient and found it non-compliant under Title VI. OCR recommended the following: (1) conduct a comprehensive assessment of the language needs of the population; (2) develop a written policy on language access, which shall include policies and procedures for identifying and assessing need of its LEP applicants/clients, a range of oral language assistance programs, notice to LEP persons of the right to free language assistance, periodic training of staff, monitoring of the program and translation of written materials.

IV-26: (undated) letter to Elizabeth Patterson, South Carolina Department of Social Services, from Roosevelt Freeman, OCR Region IV (Ref. No. 04007032, corrected from 04007037). OCR investigated the Department and found it non-compliant under Title VI. OCR recommended the following: (1) conduct a comprehensive assessment of the language needs of the population; (2) develop a written policy on language access, which shall include policies and procedures for identifying and assessing need of its LEP applicants/clients, a range of oral language assistance programs, notice to LEP persons of the right to free language assistance, periodic training of staff, monitoring of the program and translation of written materials.

IV-27: January 17, 2001 letter to Ernie Bell, Palmetto Health District, Fairfield County Health Department, Department of Health and Environmental Control, Winnsboro, SC, from Roosevelt Freeman, OCR Region IV (Ref. No. 04007044, corrected from 04007107). OCR investigated the recipient and found it non-compliant under Title VI. OCR recommended the following: (1) conduct a comprehensive assessment of the language needs of the population; (2) develop a written policy on language access, which shall include policies and procedures for identifying and assessing the needs of its LEP applicants/clients, a range of oral language assistance programs, notice to LEP persons of the right to free language assistance, periodic training of staff, monitoring of the program and translation of written materials.

IV-28: (undated) letter to Gary Redding, Georgia Department of Human Services, Forsyth County Department of Children and Families (FCDCF), from Roosevelt Freeman, OCR Region IV (Ref. No. 04017059). OCR completed an investigation and found FCDCF in violation of Title VI based on a lack of adequate policies and procedures for providing language assistance. Among other things, OCR noted the lack of written language access policies, the use of printed materials urging clients to use family and friends to interpret, insufficient measures to evaluate the competency of interpreters and infrequent use of existing interpreters, and the lack of any provisions to offer timely interpreter services via a telephone language line or other such arrangements, and the lack of translated documents. OCR provided the following suggestions as an opportunity for voluntary compliance: (1) conduct a comprehensive assessment of the language needs of the effected population; (2) develop a comprehensive written policy on language access that will provide a range of oral language assistance; (3) translate written materials that are routinely provided in English to clients; (4) develop methods for notifying LEP persons of their right to language assistance and the availability of such assistance free of charge; (5) develop procedures for obtaining and providing trained and competent interpreters; (6) train staff on LEP policies and procedures, and (7) develop monitoring systems.

IV-29: April 2003 Voluntary Compliance Agreement between North Carolina Department of Health and Human Services (DHHS) and OCR Region IV (Ref. No. 0401700). This Agreement culminates a series of compliance reviews initiated by OCR in 2001. The reviews examined a range of DHHS programs, including services to the aged, adult and children with disabilities; Medicaid; TANF; and county agency “subrecipients” of DHHS. (County responsibilities include eligibility determinations, service coordination, and service delivery.) After a number of site visits to the State, OCR, in May 2002, provided DHHS with a “preliminary assessment” that the State would likely be found out of compliance with Title VI. Following a period of negotiation, the Voluntary Compliance Agreement was signed in April 2003. The Department also adopted a Title VI Language Access Policy, developed with input from a Title VI advisory committee. The Policy will be implemented statewide to bring DHHS and its county subrecipients into Title VI compliance. The Policy consists of: (1) assessment of the language needs of DHHS programs and counties, to be assisted by the NC Center for Health Statistics; (2) provision of a range of interpreter services and translated written materials, with DHHS taking responsibility for translating and distributing a number of the documents; (3) development of comprehensive written LEP policies in each subrecipient county, to be reviewed and approved by DHHS; (4) training of staff by each division and subrecipient county; and (5) monitoring, to include quarterly county self-reporting and annual reports to the Secretary of DHHS (DHHS to develop a uniform reporting instrument), and special reviews by the Secretary and at the request of advocacy groups. DHHS agreed to take “all necessary steps” to complete implementation of the Policy within one year. DHHS also agreed to submit quarterly reports to OCR that detail implementation efforts, including dissemination of the Policy (how, when, and to whom), copies of instructions and compliance time frames developed for DHHS divisions and local entities; quarterly monitoring reports, and copies of special reviews. DHHS further promised that language access plans would be developed, in particular, in six specific counties which were being investigated by OCR, and, as a result, OCR agreed to a year-long suspension of further administrative action in the Wake, Randolph, Johnston, Chatham, and Forsyth County Departments of Health and Social Services and the Burke County Department of Social Services.

Region V

V-31: February 3, 1997 letter to Cheryl Sullivan, Indiana Family and Social Service Administration, from Charlotte Irons, OCR Region V (Ref. No. 05967013). After this compliance review, OCR found that the federal fund recipient had taken appropriate remedial action to ensure that LEP persons were sufficiently informed to have meaningful enrollment opportunities in the program. Steps taken by the

state agency included development of an LEP communication policy that states that interpreters will be made available at no cost to beneficiaries. The recipient also added an assurance of compliance provision to its standard contract with subcontractors.

V-32: (undated) letter to Vicky Perry, Maxicare Indiana, from Charlotte Irons, OCR Region V (Ref. No. 05977009). After this compliance review, OCR advised Maxicare Indiana to take remedial action to ensure that LEP persons were provided with materials in their language, in addition to interpreters. OCR also recommended development of an LEP communication policy that assures that interpreters will be made available at no cost to beneficiaries. The review found that LEP persons were sufficiently informed of the enrollment process and that Maxicare maintained appropriate assurances of compliance with its participating providers.

V-33: July 7, 2000 letter to Michael Hogan, Ph. D., Ohio Department of Mental Health, from Lisa Simeone, OCR Region V (Ref. No. 05997010). After this compliance review, OCR advised the federal recipient to take remedial action to ensure effective communication with LEP persons. Changes included the revision of an LEP communication policy to state that interpreters will be made available at no cost to beneficiaries. OCR requested biannual compliance reports for a period of twelve months.

V- 34: September 5, 1997 letter to Arnold Tompkins, Ohio Department of Human Services, from Charlotte Irons, OCR Region V (Ref. No. 05967008). After this compliance review, OCR found that the recipient had taken or would take the following actions: (1) establish civil rights complaint procedures, which include standards of due process and notice of the right to file with OCR; (2) provide its Medicaid enrollees notice of the complaint procedures; (3) institute policies, procedures and practices for provision of foreign language interpreters to LEP or hearing-impaired Medicaid enrollees; (4) require that all managed care plans (MCPs) sign an assurance of civil rights compliance; and (5) require that each MCP have civil rights complaint procedures and interpreters available and provide notice of these language assistance services.

V-35: September 22, 1997 letter and accompanying Resolution Agreement to James G. Turner, Total Health Care Plan, Cleveland, OH, from Charlotte Irons, OCR Region V (Ref. No. 05977007). In this compliance review, OCR identified multiple problems and the following remedial actions were agreed upon: (1) develop a policy of nondiscrimination; (2) amend complaint procedures to include language describing how members can file discrimination complaints; (3) provide notice to Medicaid enrollees of their rights to utilize the complaint procedure; (4) amend the policy and procedures for the provision of interpreters for LEP persons; (5) establish a central office and staff person to coordinate and document provision of services and ensure translation of written materials; (6) identify LEP patients and provide notice to them of their right to receive interpreter services free of charge; (7) furnish a sign for participating providers to post, indicating that interpreters are available; (8) ensure that all provider contracts include a nondiscrimination clause; and (9) include the name of the employee responsible for language access compliance in the enrollee handbook.

V-36: September 24, 1997 letter and accompanying Resolution Agreement to Oscar Saffold, Personal Physician Care, Inc., Cleveland, OH, from Charlotte Irons, OCR Region V (Ref. No. 05977006). In this compliance review, OCR identified multiple potential violations and the following remedial actions were agreed upon: (1) develop a policy of nondiscrimination; (2) amend complaint procedures to include language describing how members can file a discrimination complaint; (3) provide notice to Medicaid enrollees of their rights to utilize the complaint procedures; (4) amend the policy and procedures for the provision of interpreters for LEP persons and the hearing impaired; (5) establish a central office and staff person to coordinate and document provision of services and ensure translation

of written materials and identify that person in the enrollee handbook; (6) identify LEP and hearing impaired patients and provide notice to them of their right to receive interpreter services free of charge; (7) furnish a sign for participating providers to post, indicating that interpreters are available; (8) ensure that all provider contracts include a nondiscrimination clause; and (9) submit reports to OCR verifying compliance with the resolution agreement.

V-37: August 28, 1998 letter and accompanying Resolution Agreement to Tom Summerill, Care Choices HMO, Farmington Hills, MI, from Charlotte Irons, OCR Region V (Ref. No. 05987013). In this compliance review, OCR identified multiple problems and the following remedial actions were agreed upon: (1) develop a policy and procedure for LEP patients which states that interpreters will be provided as needed and at no cost; (2) provide notice to contracted agencies responsible for marketing that all potential members who are LEP must be provided with information about the program in language that they understand; (3) provide notice of the new procedures in the member newsletter; (4) provide notice in the member handbook; (5) maintain a log of the usage of LEP services; and (6) prepare a report for OCR to detail adherence to this plan.

V-38: August 25, 1998 letter and accompanying Resolution Agreement to Kenneth Rimmer, Total Health Care-Detroit, MI, from Charlotte Irons, OCR Region V (Ref. No. 05987012). In this compliance review, OCR identified multiple potential violations and the following remedial actions were agreed upon: (1) develop a policy and procedure to assure provision of assistance and effective communication with LEP persons; (2) provide notice to any contracted agency responsible for marketing of its obligation to provide language assistance; (3) provide notice in the member newsletter and handbook of the availability of language assistance; and (4) provide a report to OCR that details the effectiveness of new communication procedures.

V-39: August 19, 1997 letter and accompanying Resolution Agreement to James Patton, Comprehensive Health Services, Detroit, MI, from Cassell Lewis, OCR Region V (Ref. No. 05977005). In this compliance review, OCR identified a number of problems and the following remedial actions were agreed on: (1) amend and disseminate policies and procedures to state that qualified interpreters will be provided at no cost to all members; (2) notify staff and physicians of availability of resources such as telephone language lines; (3) develop and distribute a current list of available interpreters; (4) develop a notice to be posted at all provider sites indicating languages available and that the member has a right to an interpreter; (5) provide notice in the member newsletter and handbook of interpreter availability; (6) provide notice to contracted agency responsible for marketing that potential members must receive marketing materials in their native languages; and (7) maintain logs of LEP rates and interpreter use.

V-40: November 19, 1999 letter to Spencer Maidlow, Covenant Hospital, Saginaw, MI, from Alfred Sanchez, OCR Region V (Ref. No. 05997020). OCR conducted a compliance review and found the facts did not substantiate a claim that the fund recipient denied admission to Hispanic and Asian minorities on a ground unrelated to their need for service. OCR concluded that the recipient had an appropriate policy and procedure to ensure that LEP persons are provided with information in their language, as well as qualified interpreters when appropriate.

V-41: February 21, 1997 Resolution Agreement between Lake County Health Department, Waukegan, IL, and OCR Region V (Ref. No. 05973024). OCR identified multiple potential violations and the fund recipient agreed to develop a policy for the provision of language assistance services to LEP individuals, to include: (1) post notices advising of language services, (2) disseminate an in-house list of interpreters, (3) establish training requirements for all staff wishing to serve as interpreters, (4) inform staff of the availability of telephone language lines, (5) issue notice that family members may

not be used as interpreters, (6) establish responsibility for translation of forms, and (7) provide for the documentation of language services as they are provided.

V-42: February 18, 1998 letter and accompanying Resolution Agreement to Nancy Westphalt, Kane Country Health Department, Geneva, IL, from Charlotte Irons, OCR Region V (Ref. No. 05987004). In this compliance review, OCR identified multiple problems and the Health Department agreed to develop a policy for the provision of language assistance services to LEP persons, to include: (1) post notices advising of language services, (2) disseminate an in-house list of interpreters, (3) establish training requirements for all staff wishing to serve as interpreters, (4) inform staff of the availability of telephone language lines, (5) issue notice that family members may not be used as interpreters, (6) establish responsibility for translation of forms, (7) and provide for the documentation of language services as they are provided.

V-43: August 20, 1998 letter and accompanying Resolution Agreement to Ann Sayvetz, Advocate Transitional Health Care, Oak Brook, IL, from Charlotte Irons, OCR Region V. Advocate (Ref. No. 05987001). OCR identified multiple problems and the following remedial actions were agreed upon: (1) develop a policy for the provision of interpreters to LEP persons, to include the posting of notices advising of this provision, dissemination of an in-house list of interpreters, establishing training requirements for all staff wishing to serve as interpreters, informing staff of the telephone language lines, issuing notice that family members may not be used as interpreters, establishing responsibility for translation of forms, and providing for the documentation of language services as they are provided.

V-44: October 21, 1999 letter to Kathleen Evlitz, Bethesda Lutheran Home, Sycamore, IL, from Alfred Sanchez, OCR, Region V (Ref. No. 05997019). OCR investigated the fund recipient and found no violation regarding language services.

V-45: December 7, 1999 letter to Kenneth Rojek, Lutheran General Hospital, Park Ridge, IL, from Alfred Sanchez, OCR Region V (Ref. No. 05997009). OCR investigated the fund recipient and found no violation regarding language services.

V-46: May 24, 2000 letter to Dr. Ancelmo Lopes, Harmony Health Plan, Chicago, IL, from Lisa Simeone, OCR Region V (Ref. No. 05987007). OCR investigated the recipient and found it compliant in the following areas: (1) provision of services to LEP individuals; (2) provision of services to hearing-impaired individuals; and (3) non-discriminatory admissions with regard to LEP status.

V-47: November 16, 1999 letter to John E. Blair, Ravenswood Hospital and Medical Center, Chicago, IL, from Alfred Sanchez, OCR Region V (Ref. No. 05987005). OCR investigated the recipient and found it compliant in the following areas: (1) provision of services to LEP individuals; (2) establishment of grievance procedures; and (3) posting of conspicuous Community Service signs.

V-48: November 16, 1999 letter to Ann Patla, Illinois Department of Public Aid, from Alfred Sanchez, OCR Region V (Ref. No. 05987039). OCR investigated the KidCare program and found potential violations. To ensure outreach efforts to LEP population, OCR recommended that the Department should tabulate language preferences, compile reports about community groups, add a language block to enrollment procedures, and provide a summary of the programs for serving multiple languages.

Region VI

VI-10: May 25, 2000 letter to Patrick Wallace, East Texas Medical Center, Athens, TX, from Ralph Rouse, OCR Region VI (Ref. No. 06987056). OCR found the entity in compliance with Title VI on the basis of written policies and procedures, provision of interpreting services to LEP patients, and communications with community groups.

VI-11: July 10, 2000 letter to Mindy Burdick, United Regional Health Care System, Wichita Falls, TX, from Ralph Rouse, OCR Region VI (Ref. No. 06987052). OCR found the entity in compliance with Title VI on the basis of written policies and procedures, provision of interpreting services to LEP patients, and communications with community groups.

VI-12: August 31, 2000 letter to Wiley Fires, Shamrock General Hospital, Shamrock, TX, from Ralph Rouse, OCR Region VI (Ref. No. 06987050). OCR found the entity in compliance with Title VI on the basis of written policies and procedures, provision of interpreting services to LEP patients, and communications with community groups.

VI-13: November 15, 1999 letter to Sean Stricker, Liberty Dayton Hospital, Liberty, TX, from Ralph Rouse, OCR Region VI (Ref. No. 06987043). OCR found the entity in compliance with Title VI on the basis of written policies and procedures, provision of interpreting services to LEP patients, and communications with community groups.

VI-14: August 18, 1997 letter to James Hine, Texas Department of Protective and Regulatory Services, from Ralph Rouse, OCR Region VI (Ref. No. 06967001). OCR investigated the Adult Protective Services arm of the department and found it in compliance with Title VI pending the following changes: (1) The Statewide Intake unit will provide services for all intake operations; (2) The automated call distributor will monitor the number of persons requesting bilingual services; (3) Adult Protective Services materials will be produced in Spanish and Vietnamese; (4) Provide on-going staff training on cultural diversity; (5) Diversify staff recruitment and retention efforts; and (6) Develop a policy concerning use of interpreters and translators.

VI-15: March 8, 2000 letter to Judi Smith, Peak Medical Corporation Twin Falls Care Center, Albuquerque, NM, from Dolores Braun, OCR Region VI. (Ref. No. 10007036). OCR completed an investigation and found the entity in compliance with Title VI. This finding was made based on policies and procedures in place, data on language assistance provided, and translated materials.

VI-16: March 10, 2000 letter to Judi Smith, Peak Medical Corporation Capitol Care Center, Albuquerque, NM, from Dolores Braun, OCR Region VI. (Ref. No. 10007037). OCR completed an investigation and found the entity in compliance with Title VI. This finding was made based on policies and procedures in place, data on language assistance provided, and translated materials.

VI-17: (undated) letter to Robert Maruca, Carrie Tingley Hospital, Albuquerque, NM, from Ralph Rouse, OCR Region VI (Ref. No. 06987082). OCR completed an investigation and found the entity in compliance with Title VI. This finding was made based on policies and procedures in place, data on language assistance provided, input from community groups, and translated materials.

VI-18: May 25, 2000 letter to Randall Segler, Comanche Country Memorial Hospital, Lawton, OK, from Ralph Rouse, OCR Region VI (Ref. No. 06987053). OCR completed an investigation and found the entity in compliance with Title VI. This finding was made based on policies and procedures in place, data on language assistance provided, input from community groups, and translated materials.

VI-19: May 5, 2000 letter to Ted Debbs, Jim Taliaferro Community Mental Health Center, Lawton, OK, from Ralph Rouse, OCR Region VI (Ref. No. 06987051). OCR completed an investigation and found the entity in compliance with Title VI. This finding was made based on policies and procedures in place, data on language assistance provided, input from community groups, and translated materials.

VI-20: July 20, 2000 letter to Joe Duerr, Perry Memorial Hospital, Perry, OK, from Ralph Rouse, OCR, Region VI (Ref. No. 06987047). OCR completed an investigation and found the entity in compliance with Title VI. This finding was made based on policies and procedures in place, data on language assistance provided, input from community groups, and translated materials.

VI-21: May 17, 2000 letter to Jerry Jones, Integris Clinton Regional Hospital, Clinton, OK, from Ralph Rouse, OCR Region VI (Ref. No. 06987044). OCR completed an investigation and found the entity in compliance with Title VI. This finding was made based on policies and procedures in place, data on language assistance provided, input from community groups, and translated materials.

VI-22: October 24, 2000 letter to Rolf Gainer, Brookhaven Hospital, Tulsa, OK, from Ralph Rouse, OCR Region VI (Ref. No. 06997010). OCR completed an investigation and found the entity in compliance with Title VI. This finding was made based on policies and procedures in place, data on language assistance provided, input from community groups, and translated materials.

VI-23: May 25, 2000 letter to James Morgan, Huey P. Long Medical Center, Pineville, LA, from Ralph Rouse, OCR Region VI (Ref. No. 06987058). OCR completed an investigation and found the entity in compliance with Title VI. This finding was made based on policies and procedures in place, data on language assistance provided, input from community groups, and translated materials.

IV-24: (undated) letter to Polly Pine, Administrator, Cibola General Hospital, Grants, NM, from Ralph Rouse, OCR Region VI (Ref. No. 06987084). OCR completed an investigation and found the entity in compliance with Title VI. This finding was made based on policies and procedures in place, data on language assistance provided, and the lack of complaints from solicited community groups.

Region VII

VII-04: January 18, 2001 letter to Susan Lebens, Mutual of Omaha Exclusive Care, Omaha, NE, from John Halverson, OCR Region VII (Ref. No. 07997002). OCR completed an investigation and found the entity in compliance with Title VI. This finding was made based on policies and procedures in place, data on language assistance provided, input from community groups, and translated materials.

VII-05: November 15, 2000 letter and accompanying Compliance Report to Lola Speirs, Northwest Nebraska Community Action- Head Start Program, Chadron, NE, from John Halverson, OCR Region VII (Ref. No. 07997005). OCR completed an investigation and found the entity in compliance with Title VI. This finding was made based on policies and procedures in place, data on language assistance provided, input from community groups, and translated materials.

VII-06: November 28, 2000 letter to LaDora Jackson, Economic Opportunity Foundation Head Start Program, Kansas City, KS, from John Halverson, OCR Region VII (Ref. No. 07997023). OCR completed an investigation and found the entity in compliance with Title VI. This finding was made based on policies and procedures in place, data on language assistance provided, input from community groups, and translated materials.

VII-07: (undated) letter to Joseph Connor, Wyandotte County Health Department, Kansas City, KS, from John Halverson, OCR Region VII (Ref. No. 07977807). OCR completed an investigation and found the entity in compliance with Title VI. This finding was made based on policies and procedures in place, data on language assistance provided, input from community groups, and translated materials.

Region VIII

VIII-04: June 12, 2000 letter to Sam Allen, Community Hospital of Anaconda, Anaconda, MT, from Velveta Howell, OCR Region VIII (Ref. No. 08997018). OCR investigated the hospital and found it in compliance with Title VI and Section 504.

VIII-05: September 30, 1998 letter to Don Rolston, Wyoming Department of Health, from Vada Kyle-Holmes, OCR Region VIII (Ref. No. 08977006). OCR completed an investigation and found the entity in compliance with Title VI. This finding was based on policies and procedures the Department had instituted.

VIII-06: May 3, 2000 letter to David Dangerfield, Valley Mental Health, Salt Lake City, UT, from Velveta Howell, OCR Region VIII (Ref. No. 08997004). OCR completed an investigation and found the entity in compliance with Title VI. This finding was based, in part, on policies and procedures and evidence of language assistance provided.

VIII-07: September 29, 1998 letter to James Ellenbecker, South Dakota Department of Social Services, from Vada Kyle-Holmes, OCR Region VIII (Ref. No. 08977004). OCR completed an investigation and found the entity in compliance with Title VI. This finding was made based on policies and procedures in place, data on language assistance provided, input from community groups, and translated materials.

VIII-08: September 30, 1997 letter to Carol Olson, North Dakota Department of Human Services, from Vada Kyle-Holmes, OCR Region VIII (Ref. No. 08977003). OCR completed an investigation and found the entity in compliance with Title VI. This finding was made based on policies and procedures in place, data on language assistance provided, input from community groups, and translated materials.

Region IX

IX-28: Resolution Agreement between Los Angeles County Department of Public Social Services (DPSS) and OCR Region IX (Complaint No. 09003082). This Agreement followed a complaint filed by advocacy groups. It specifies policies and practices DPSS will adopt to improve language services, particularly to “threshold language” groups. Threshold language is defined as those languages constituting five percent or more of the caseload of any CalWORKS or Medi-Cal district eligibility office (to be assessed annually and which, at the signing of the agreement, were Armenian, Cambodian, Chinese, Korean, Russian, Spanish, and Vietnamese). DPSS agreed to implement prompt and effective communication with each LEP person so that he/she has meaningful access to all CalWORKS and other DPSS-administered programs; a comprehensive welfare-to-work strategy that addresses language barriers, and appropriate remedies to make any LEP participant in the CalWORKS program whole if proper language services are not received. DPSS agreed to appoint a Community Advisory Board to assist it with compliance and to establish a Central Coordinating Office (CCO) with overall implementation responsibility to assess needs, develop a comprehensive written policy on language access, train staff, and monitor compliance. The CCO will also develop a Language Policy

Handbook for all staff and contractors, coordinate and disseminate written translations, and disseminate bilingual certification lists of all bilingual staff available to serve as interpreters (to be updated quarterly). DPSS agreed to: (1) develop and post language identification (“I speak”) cards in each district office lobby, (2) not use family and friends to interpret unless the LEP individual was first offered and refused a interpreter, (3) develop and use a range of bilingual staff and, secondarily, language lines, and (4) offer a range of welfare-to-work opportunities to LEP persons, including offering program information and vocation assessments in primary languages. DPSS also agreed to collect data, monitor performance, and report periodically to OCR.

IX-29: August 28, 2002 letter to George C. Halvorson, Chief Executive Office, Kaiser Permanente, Oakland, CA, and Yolonda Reeves, Fresno Health Consumer Center, from OCR Region IX (Ref. No. 09-02-3215). The Fresno Health Consumer Center filed a complaint against Kaiser Permanente on behalf of a Hispanic patient when the facility failed to provide him with the requested in-person interpreter services during an appeals hearing before the facility’s medical review panel. At the hearing, Kaiser had offered its “general policy” for hearings, telephone interpretation. The complainant’s attorney then arranged for her client to speak to the panel through her (the attorney’s) own interpreter. Following investigation, Region IX determined that Title VI was not violated. OCR noted that, “because of the range in size, resources, and the nature of services offered,” OCR “policy does not categorically require that the interpreter appear in person.” Kaiser’s offer of a telephone interpreter was sufficient. Further, OCR assessed the format and procedure of the Kaiser review process and determined that it does not always require in-person interpreters.

IX-30: January 19, 2001 Resolution Agreement between Waikiki Health Center, and OCR Region IX (Ref. No. 09-00-3127). Following investigation of a February 14, 2000 complaint by a Sri Lankan woman, OCR determined that Waikiki Health Center did not have a formalized interpreter policy. The Resolution Agreement sets forth the following actions the Health Center would take to avoid issuance of formal findings: (1) implement policies and procedures to assure compliance with the OCR LEP Guidance Memorandum, (2) prohibit use of family/friends unless the individual declines the offer of a qualified interpreter at no cost, (3) post signs informing patients of interpreter services in Ilokano, Tagalog, Spanish, Japanese and Chinese, (4) develop multi-lingual posters or flash cards that allow individuals to identify their spoken language, (5) distribute the resolution agreement to staff and train staff on the provision of language services, (6) develop testing and qualification standards for employee interpreters, (7) translate written documents, including patient consent forms, patients’ rights, and grievance procedures, into the languages above and provide discharge and follow up information in the patient’s primary language, (8) establish a complaint resolution process, (9) appoint a senior level staff person to coordinate language services, and (10) submit a range of reporting to OCR.

Region X

X-22: January 27, 2000 letter to Frank Sutton, SouthEast Alaska Regional Health Consortium, from Therese Martin, OCR Region X (Ref. No. 10007013). OCR completed an investigation and found compliance under Title VI on the basis of the provision language interpreter services and written policies on interpreter services.

X-23: June 26, 2000 letter to JC Rathje, Providence Seward Medical Center, Seward, AK, from Therese Martin, OCR Region X (Ref. No. 10007072). OCR completed an investigation and found compliance under Title VI on the basis of the provision of language interpreter services and written policies on interpreter services.

X-24: May 31, 2000 letter to John Bringhurst, Petersburg Medical Center, Petersburg, AK, from Therese Martin, OCR Region X (Ref. No. 10007071). OCR completed an investigation and found compliance under Title VI on the basis of the provision of language services and written policies on interpreter services.

X-25: March 2, 2000 letter to John Vowell, Sitka Community Hospital, Sitka, AK, from Therese Martin, OCR Region X (Ref. No. 10007057). OCR completed an investigation and found compliance under Title VI on the basis of the provision of language services and written policies on interpreter services.

X-26: June 27, 2000 letter to Brian Gilbert, Wrangell Medical Center, Wrangell, AK, from Therese Martin, OCR Region X (Ref. No. 10007083). OCR completed an investigation and found compliance under Title VI on the basis of the provision of language services and written policies on interpreter services.

X-27: June 23, 2000 letter to Kay Kindig, Panhandle Health District, Coeur d'Alene, ID, from Faye Dow, OCR Region X (Ref. No. 10007028). OCR completed an investigation and found compliance under Title VI on the basis of the provision of language services, posted notice of the availability of interpreters and translated materials, and written policies on interpreter services.

X-28: May 31, 2000 letter to Heather Kemp, Family Services Alliance of South East Idaho, Pocatello, ID, from Faye Dow, OCR Region X. (Ref. No. 10007030). OCR completed an investigation and found compliance under Title VI on the basis of the policies and procedures in place, availability of interpreters, and patient notices of the availability of interpreters.

X-29: January 7, 2000 letter to Jodi Vanderpool, Midland Care Center, Nampa, ID, from Dolores Braun, OCR Region X (Ref. No. 10007006). OCR completed an investigation and found compliance under Title VI.

X-30: January 5, 2000 letter to Claudia Ress, Burton Care Center, Burlington, WA, from Calvin Low, OCR Region X (Ref. No. 10007004). OCR completed an investigation and found compliance under Title VI on the basis of written policies and procedures, the employment of language interpreters, and patient notices of the availability of interpreters.

X-31: February 8, 2000 letter to Terry Robertson, Sunbridge Care and Rehabilitation of Bayside, Bellingham, WA, from Calvin Low, OCR Region X (Ref. No. 10007003). OCR completed an investigation and found compliance under Title VI on the basis of written policies and procedures, the employment of language interpreters, and patient notices of the availability of interpreters.

X-32: June 20, 2000 letter to C. Scott Bond, Providence St. Peter Hospital, Olympia, WA, from Calvin Low, OCR Region X (Ref. No. 10007027). OCR completed an investigation and found compliance under Title VI on the basis of the employment of language interpreters, written policies and practices, patient notices of the availability of interpreters, and the availability of translated written materials.

X-33: March 1, 2000 letter to Sherry Castro, Catholic Community Services Southwest, Tacoma, WA, from Floyd Plymouth, OCR Region X (Ref. No. 10007018). OCR completed an investigation and found compliance under Title VI on the basis of the availability of translated written materials, written policies and procedures, and collaboration with ethnic minority associations.

X-34: February 16, 2000 letter to Sara Bartrum, Chelan Douglas Child Services Association, Wenatchee, WA, from Floyd Plymouth, OCR Region X (Ref. No. 10007017). OCR completed an investigation and found compliance under Title VI.

X-35: March 17, 2000 letter to Frank Nelson, Sunbridge Care and Rehabilitation for Walla Walla, College Place, WA, from Calvin Low, OCR Region X (Ref. No. 10007016). OCR completed an investigation and found compliance under Title VI on the basis of the written policies and procedures.

X-36: June 27, 2000 letter to Terri Thornburg, Sunbridge Care and Rehabilitation for Oyster Bay, Bremerton, WA, from Calvin Low, OCR Region X (Ref. No. 10007008). OCR completed an investigation and found compliance under Title VI on the basis of written policies, the use of telephone language line, the provision of interpreters, and the creation of an interpreter coordinator position.

X-37: March 2, 2000 letter to Angie Spangler, Sunbridge Specialty Care Center Lake Ridge, Moses Lake, WA, from Calvin Low, OCR Region X (Ref. No. 10007033). OCR found the entity in compliance with Title VI based on its list of local interpreters and contract with telephone language line, staff training, and the provision of free interpreting services to LEP patients.

X-38: August 11, 2000 letter to Michael Banes, Sunbridge Care and Rehabilitation for Moses Lake, Moses Lake, WA, from Calvin Low, OCR Region X (Ref. No. 10007032). OCR found the entity in compliance with Title VI based on its list of local interpreters and contract with telephone language line, staff training, posted signs of service availability, and the provision of free interpreting services to LEP patients.

X-39: February 4, 2000 letter to Rob Arsenault, Park Rose Care Center, Tacoma, WA, from Calvin Low, OCR Region X (Ref. No. 10007031). OCR found the entity in compliance with Title VI based on its list of local interpreters and contract with telephone language line, staff training, posted signs of service availability, and the provision of free interpreting services to LEP patients.