

Directions for completing this form: Place the title of your workshop in the space indicated, followed by the name and contact information for the presenters. Provide a brief description by placing the cursor on the line below “Brief Description” and commence typing. To complete the “Topical Outline”, place cursor next to each Roman numeral and begin typing. Then place the cursor next to the “a.” to begin listing sub-topics. To list more than one sub-topic, push “Enter” and “b.” should appear on the next line, and so on. Place the cursor on the line under “Notes” to begin providing your notes. To list bibliographic information, place the cursor next to “1.” and start typing. Push “Enter” to move on to “2.” and etc.

ABA/ NLADA 2007 Equal Justice Conference

Language Access Issues for Health Advocates and Legal Services Providers

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Brief Description:

This workshop will provide an overview of the legal framework for ensuring meaningful access for limited English proficient (LEP) individuals when seeking health and legal services, and will highlight promising practices. Focusing on two areas where much is being done to make services more accessible to LEP populations, we will provide an overview of legal and administrative framework, as well as specific state laws governing health care settings. The workshop will then offer tools and resources to assist participants in language access planning and practice.

- I. INTRODUCTION (5 min.)
 - a. Clearly a business necessity to provide accessible services and meaningful access – focus during this workshop on the laws

- II. FEDERAL LEGAL FRAMEWORK MANDATING LANGUAGE ACCESS (20 min.)
 - a. Title VI of the Civil Rights Act of 1964 and regulations
 - b. Executive Order 13166
 - c. DOJ LEP Guidance and DHHS LEP Guidance
 - i. 4-factor analysis
 - ii. Enforcement

- d. DHHS Guidance
 - e. LSC Program letter
- III. STATE LAWS GOVERNING LANGUAGE ACCESS IN HEALTH CARE SETTINGS (20 min.)
- a. Statutes and regulations, e.g.:
 - 1. Comprehensive laws
 - 2. Service specific laws (e.g. children's health, mental health)
 - 3. Laws addressing reproductive health services
 - 4. Interplay between state language access laws and English-only requirements
 - 5. Laws addressing cultural competency
 - b. Common law (court cases), e.g.,:
 - 1. Due process requirements for notices
 - 2. Informed consent/malpractice
 - 3. Products liability
- IV. ETHICS (20 min.)
- a. Evolving standards of practice in serving LEP clients
 - i. LSC Guidance
 - ii. ABA/SCLAID Standards of practice
 - b. ABA Model Code and implications of language access issues
 - i. Interpreters under attorneys ethical obligations (unauthorized practice of law, confidentiality)
 - ii. Communication with client
- V. Q&A/DISCUSSION (25 min.)

Notes:

Moderator: Sarah Somers; **Panelists:** Jane Perkins, Susan Shah, Paul Uyehara

Bibliography & Website Links:

1. Federal Interagency Task Force on Limited English Proficiency www.LEP.gov
2. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency <http://www.usdoj.gov/crt/cor/Pubs/eolep.htm>
3. Executive Order 13166 Limited English Proficiency Resource Document: Tips and Tools from the Field http://www.lep.gov/tips_tools_92104.htm
4. Department of Justice Guidance to Federal Financial Recipients Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons <http://www.usdoj.gov/crt/cor/lep/DOJFinLEPFRJun182002.pdf>
5. Department of Health and Human Services Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination

Affecting Limited English Proficient Persons

<http://www.usdoj.gov/crt/cor/lep/hhsrevisedlepguidance.pdf>

6. LSC Resource Library Resources for Serving Clients with Limited English Proficiency
http://www.lri.lsc.gov/sitepages/diversity/div_lep.htm
7. National Association of Judiciary Interpreters and Translators (NAJIT)
<http://www.najit.org>
8. American Translators Association (ATA) www.atanet.org
9. The Translators and Interpreters Guild (TTIG) www.ttig.org
10. National Health Law Program, *Providing Language Services in State and Local Health-Related Benefit Offices: Examples from the Field*(Jan. 2007), www.dmwf.org
11. National Health Law Program, *Summary of State Law Requirements Addressing Language Needs in Women's Health* (March 2006), www.healthlaw.org
12. National Health Law Program, *Summary of State Law Requirements Addressing Language Needs in Health Care* (Dec. 2005), at www.healthlaw.org