



**STRATEGIC LANGUAGE ACCESS PLAN (LAP)**  
TO IMPROVE ACCESS TO CMS FEDERALLY  
CONDUCTED ACTIVITIES BY PERSONS WITH  
LIMITED ENGLISH PROFICIENCY (LEP)





DEPARTMENT OF HEALTH & HUMAN SERVICES

Centers for Medicare & Medicaid Services

*Administrator*  
Washington, DC 20201

**DATE:** NOV 30 2009

**TO:** Center/Office Directors  
Consortia Administrators

**FROM:** *Charlene Frizzera*  
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Acting Administrator

**SUBJECT:** Strategic Language Access Plan (LAP) Policy for Limited English Proficient Persons (LEP)

On August 11, 2000, former President Clinton signed Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency." The Executive Order requires agencies and programs to ensure that Federally-funded activities are accessible to all persons who, as a result of national origin, are not proficient or are limited in their ability to communicate in the English language.

By December 11, 2000, Federal Agencies had two requirements:

- 1) Develop guidance for recipients of Federal funds concerning their obligations under Title VI of the Civil Rights Act to provide language assistance, and
- (2) Develop a plan for improving LEP individual access to and participation in Federally-conducted programs and activities.

The attached Strategic Language Access Plan (LAP) outlines 11 elements that will be implemented during the 2011 through 2014 fiscal years to ensure processes are in place in an effort to afford LEP persons access and an equal opportunity to participate in CMS activities. All interpreters, translators and other aids needed to comply with this policy shall be provided without cost to the person being served.

Therefore, all CMS activities should be governed in accordance with this policy.

Attachment

## **I. Limited English Proficiency Background**

On August 11, 2000, former President Clinton signed Executive Order (E.O.) 13166, which requires that agencies and programs take steps to ensure that Federally-funded activities are accessible to all persons who, as a result of national origin, are not proficient or are limited in their ability to communicate in the English language ("Limited English Proficient " persons). Limited English Proficient persons are individuals who are unable to communicate effectively in English because their primary language is not English and they have not developed fluency in the English language. A person with Limited English Proficiency may have difficulty speaking or reading English. A Limited English Proficient person will benefit from an interpreter who will translate to and from the person's primary language. A Limited English Proficiency person may also need documents written in English translated into his or her primary language so that person can understand important documents related to health and human services.

Agencies were asked to meet two requirements by December 11, 2000: (1) to develop guidance for recipients of Federal funds concerning their obligations under Title VI of the Civil Rights Act to provide language assistance, and (2) to develop a plan for improving Limited English Proficient individuals' access to and participation in Federally-conducted programs and activities. The Department of Health and Human Services (HHS) complied with the first requirement of the Executive Order by publishing policy guidance concerning the responsibility of Federally-assisted entities for services to Limited English Proficient individuals, which was developed by the HHS Office for Civil Rights (OCR) (see 65 Federal Register 52762, August 30, 2000).

Pursuant to the second part of E.O. 13166, each Department was required to submit to the Department of Justice a plan to improve the language accessibility of its own Federally conducted programs and activities and to take steps to implement the plan by December 11, 2000. In response to this requirement, the offices of the Assistant Secretary for Planning and Evaluation 68 Fed. Reg. 47311 (August 8, 2003) (ASPE) and the Assistant Secretary for Management and Budget (ASMB) convened the Language Access Steering Committee; comprised of HHS operating and staff components. As such, the Language Steering Committee was the vehicle through which HHS developed the Strategic Plan to Improve Access to HHS Programs and Activities by Limited English Proficient Persons (the Strategic Language Access Plan) dated December 12, 2000. The Department of Health and Human Services developed an agency Strategic Language Access plan outlined in several phases. In phase one, HHS asked each component to survey its programs and activities with direct public contact in order to identify the needs of Limited English Proficient customers as well as those current activities and resources available to support language access. In phase two, agencies were asked to develop a three-year plan reflecting the institutionalization of efforts to improve language access for their customers.

The Department of Health and Human Services current three year plan outlines the overall goals for improving language access for beneficiaries who receive services directly from CMS. The plan also includes strategies for improving technical assistance

for language access services to CMS-funded entities. The HHS plan provides a road map for addressing Department-wide goals, while allowing individual operating divisions and programs to decide how best to address their customers.

## **II. The Role of HHS Office for Civil Rights**

The Office for Civil Rights' LEP guidance clarifies Title VI obligations with respect to individuals who have limited English proficiency. Responsibility for informing recipients about the requirements and for providing technical assistance to recipients rests with HHS funding agencies. Additionally, HHS has activities that are directly conducted by offices and agencies of the HHS. Such activities include, but are not limited to, care at Indian Health Service facilities, care associated with research at the National Institutes of Health Clinical Center and public information campaigns on a variety of health and human services issues. HHS is available to provide language assistance to customers with whom it directly interacts, and will provide technical assistance tools to improve the ability of HHS-funded entities to offer language assistance to service individuals.

The Department of Health and Human Services is committed to ensuring the programs and services they offer are accessible to the populations for whom we are responsible. Although HHS programs have diverse missions, they share the common responsibility to address the health and social service needs of vulnerable populations. HHS is increasingly attentive to the language and cultural needs of customers, and has identified in the HHS Strategic Language Access Plan ways HHS can improve the quality of its services in the short and long term.

## **III. CMS Strategic Language Access Plan Goal**

The goal of the CMS' Language Access Plan (LAP) is to provide timely access to quality federally conducted language assistance services to Limited English Proficient persons. (See Appendix for an explanation of the terms used in this document.) Recipients of CMS funding are required to comply with Title VI of the Civil Rights Act of 1964.

## **IV. CMS Language Access Plan Point of Contact**

OFFICE OF EQUAL OPPORTUNITY AND CIVIL RIGHTS (OEOCR)

Centers for Medicare & Medicaid Services

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## **V. Specific Elements of the CMS Strategic Language Access Plan**

1. The CMS LAP outlines the processes that must be in place to capture the Language Access capabilities of all organizations that receive HHS funding for federally conducted activities. The following eleven (11) elements are components of the overall CMS Strategic LAP goal. CMS will strive to establish a LEP baseline for each element within a three-year period beginning fiscal year 2011 through fiscal year 2013 by establishing priorities that will best meet the needs of Limited English Proficient individuals in the context of resource constraints.
2. CMS Components/Consortia engaged in a LEP related federally conducted activities are required to provide language assistance services to Limited English Proficient persons. The summation of the activities must be documented in the annual CMS strategic Language Access Plan report. The report will describe how each element of the Strategic LAP will be executed within the stated timeline. However, if the CMS Components/Consortia cannot proceed with the LAP implementation strategy, the associated cost impact must be documented in the above stated Strategic LAP report.
3. Results Based Outcome measures:
  - a. Each of the following eleven (11) elements has a process “Outcome Measurement” that will be used to gather baseline data for a three-year period (Fiscal Year 2011 through Fiscal Year 2013).
  - b. Beginning Fiscal Year (FY) 2014, each CMS federally conducted activity must:
    - i. Ensure at least 90% of the beneficiaries who request LEP related materials and/or assistance receives it during the first attempt. Measurement for this requirement will begin at the conclusion of the establishment of the FY 2013 baseline.
    - ii. Ensure that beneficiaries requesting LEP related materials or assistance are satisfied or very satisfied with the customer service provided at least 80% of the time. Measurement of this requirement will begin at the conclusion of the establishment of the FY 2013 baseline.

## **Element 1: Assessment: Needs and Capacity**

### **1. Objective**

CMS will have in place mechanisms to assess, on a regular and consistent basis, the LEP status and language assistance needs of current and potential customers as well as mechanisms to assess the agency's capacity to meet these needs according to the elements of this plan.

### **2. Implementation Strategy**

CMS will prepare an agency Language Access Plan self-assessment.

- a. CMS will complete an annual Language Access Plan assessment for each federally conducted activity to assess the capacity of CMS to meet the language assistance needs of Limited English Proficient customers. To the extent practicable, use of coordination across CMS Components/Consortia that participated in federally conducted LEP activities will be used in order to maximize the efficiency with which CMS can serve its customers.
- b. CMS will examine existing data sources and determine a consistent source to use for evaluating the need for particular language services where program-specific data is not available or sufficient.

### **3. Outcome Objective**

- a. The outcome of the CMS Annual Language Access Plan Assessment report will be used to improve existing, or establish new mechanisms for assessing LEP status and language assistance needs of current and potential customers. Emphasis will be on ensuring that there are outreach and assistance activities in place, such as, but not limited to customer service phone numbers, clearinghouses, ombudsman activities, assessment and satisfaction instruments, Web sites, and more to enhance the effectiveness of LEP activities.
- b. The CMS Civil Rights Agency Liaison will share data within CMS on estimated language needs of CMS customers and of individuals that CMS-funded entities serve. This data will include information from HHS OCR on complaints it receives from Limited English Proficient individuals who allege inadequate language assistance from CMS-funded entities, as well as data from customer satisfaction surveys.
- c. The CMS Civil Rights Agency Liaison will work within CMS to identify areas where coordination and/or collaboration would improve the efficiency of similar services.

- d. The CMS Civil Rights Agency Liaison will explore how to identify existing staff-based knowledge of non-English languages and various cultures and how to leverage that knowledge base across CMS. We will work with the Departmental Minority Initiatives Steering Committee to identify proven practices and examples of needed skill sets for recruiting and the continued development of bilingual and multi-cultural staff.

#### **4. Reporting Requirement**

CMS federally conducted activities shall prepare the CMS Annual Language Access Assessment report each fiscal year. The report is due to the CMS Civil Rights Agency Liaison, annually not later than close of business December 1<sup>st</sup> of the following fiscal year. For example, the FY 2011 reporting period is October 1, 2010 through September 30, 2011, the Language Access Assessment is due December 1, 2011.

#### **5. Outcome Measurement**

- a. Receive a Language Access Assessment for CMS federally conducted activities.
- b. Provide an overall assessment of whether or not Limited English Proficient populations that exceed 10% (based on a previously agreed upon data source) have received timely services.

*In the case where the Limited English Proficient populations exceed 10% of the CMS customer population and LEP services are not adequate, CMS will include in the annual Language Access Assessment report a mitigation strategy that includes, cost, schedule and timeline.*

- c. CMS activities are at liberty to develop their own definitions of what are “timely services” and what is considered “not adequate” in the CMS annual Language Access Assessment report.

#### **6. Funding Requirement**

The funding requirement will be documented in the CMS Annual Language Access Assessment report.

#### **7. Implementation Timeline**

FY 2010 CMS Annual Language Access Assessment Report

## **Element 2: Oral Language Assistance Services**

### **1. Objective**

CMS will arrange for the provision of oral language assistance, from translation services and more, in response to the needs of Limited English Proficient customers in both face-to-face, on-line and telephone encounters with CMS.

### **2. Implementation Strategy**

In the CMS Annual Language Access Assessment report, CMS will document:

- a. Oral language assistance processes in the CMS Annual Language Access Assessment report.
- b. Activities for the provision of oral language assistance resources.
- c. LEP resources that can be shared across CMS.
- d. New arrangements that could provide language assistance resources more efficiently within CMS, such as the potential use of a central language line for oral translations.
- e. Ways to improve the efficacy of grantees, contractors and others who are required to provide oral language assistance to Limited English Proficient individuals, through clearer requirements, technical assistance, dissemination of proven practices, coordinated support, and other approaches.
- f. "Proven practices" in the delivery of oral language assistance services that can be used in CMS activities.

### **3. Outcome Measurement**

CMS will measure its ability to provide oral language assistance services for beneficiaries against existing data (based on previously agreed upon data sources) for each service area to ensure Limited English Proficient populations that exceed 10% of the service area received LEP services.

### **4. Reporting Requirement**

CMS activities that support Limited English Proficient populations will prepare the CMS Annual Language Access Assessment report.

## **5. Funding Requirement**

The funding requirement will be documented in the CMS Annual Language Access Assessment report.

## **6. Implementation Timeline**

FY 2010 CMS Annual Language Access Assessment report.

### **Element 3: Written translations**

#### **1. Objective**

CMS will produce “vital” documents in languages other than English when based on previously agreed upon data sources and other available research when more than 10% of the customers served or eligible to be served have LEP.

#### **2. Implementation Strategy**

- a. Translate vital documents for areas where Limited English Proficient populations exceed 10% of languages other than English.
- b. Create a plan for consistently determining what documents are "vital" to the meaningful access of the Limited English Proficient populations served.
- c. In the CMS Annual Language Access Assessment report, CMS will list the languages into which vital documents have been translated. The list of languages shall include, but is not limited to the following:
  - i. The percentage of the beneficiary Limited English Proficient population that utilizes the number/proportion/percentage of LEP related documents.
  - ii. The emerging languages that would, within one year’s time from the due date of the CMS Annual Language Access Assessment report submission, exceed the 10% Limited English Proficient population criteria when evaluated against current trends.
  - iii. The URL for the Web site where the documents are posted.
  - iv. The LEP service feedback process.
  - v. The arrangements and resources available for each CMS federally conducted activity that makes provisions for written language assistance.

- vi. The oversight and vital document update process.
- vii. The resources used for material translation that can be shared across CMS Components/Consortia.
- viii. The new arrangements that could provide language assistance services more efficiently.
- ix. Identify "proven practices" in the provision of vital documents in languages other than English that can be used in CMS Federally conducted activities.
- x. Document ways to improve the efficacy of those who are required to provide written language assistance to Limited English Proficient individuals through clearer requirements, technical assistance, dissemination of proven practices, coordinated support, and other approaches.

### **3. Implementation Timeline**

FY 2010 List of vital documents  
 FY 2011 Plan for consistently determining which documents are "vital"  
 FY 2011 Plan for LEP written material quality control process  
 FY 2012 Documentation of "proven practices."

### **4. Reporting Requirement**

CMS Components/Consortia that support Limited English Proficient populations will prepare the CMS Annual Language Access Assessment report.

### **5. Outcome Measurement**

- a. The CMS Civil Rights Agency Liaison will obtain Community Stakeholders' feedback regarding CMS LAP.
- b. The CMS Civil Rights Agency Liaison will establish a workgroup to provide a Language Access Assessment report with recommendations for improvement and documented "proven practices."

### **6. Funding requirement**

The funding requirement will be documented in the CMS Annual Language Access Assessment report.

## **Element 4: Policies and Procedures**

### **1. Objective**

CMS will have in place specific written policies and procedures related to each of the plan elements and designated staff that will be responsible for implementing activities related to these policies.

### **2. Implementation Strategy**

- a. CMS will develop and implement written policies and procedures related to each of the plan elements, modified as needed for each CMS federally conducted activity with public contact based on the schedule below.
- b. CMS will designate staff that will be responsible for coordinating and implementing activities related to improving services to individuals with LEP.
- c. CMS will consider identifying a dedicated short-term commitment to this activity, such as detailing critical staff to an off-site workgroup project for developing initial policies.

### **3. Reporting Requirement**

The CMS Agency Civil Rights Liaison will prepare the CMS Annual Language Access Assessment Report.

### **4. Outcome Measurement**

CMS staff will be designated to coordinate activities, implement LEP policies and document outcome in the CMS Annual Language Access Assessment report.

### **5. Funding Requirement**

CMS will achieve this element within the current funding.

### **6. Implementation Timeline**

### **7. FY 2010 Policy statements & procedures**

Element 1. Assessment: needs and capacity  
Element 2. Oral language assistance services  
Element 3. Written translations  
Element 4. Policies and Procedures

## **8. FY 2011 Policy statements & procedures**

Element 5. Notification of the availability of free language services

Element 6. Staff training

Element 7. Assessing accessibility and quality

Element 8. Resource utilization

## **9. FY 2012 Policy statements & procedures**

Element 9. Stakeholder consultation

Element 10. Emergency preparedness

Element 11. Health information technology

### **Element 5: Notification of the Availability of Free Language Services**

#### **1. Objective**

CMS will proactively inform LIMITED ENGLISH PROFICIENT customers of the availability of free language assistance services through both oral and written notice.

#### **2. Discussion of Element**

Addressing this element may require the development of additional capacities within CMS to provide written and oral language assistance.

#### **3. Implementation Strategy**

- a. CMS will prepare a free language service notification plan.
- b. CMS will distribute notification of the availability of free language services to partners and customers.
- c. CMS will work with other Federal agencies to develop ways to ensure that entities applying for grants and contracts are better informed of the LEP requirements of Title VI of the Civil Rights Act.
- d. Where applicable, CMS will develop and distribute a consumer version of the guidance that explains the services available to the customers of particular federally conducted activities.

- e. CMS will highlight the availability of consumer-oriented materials in languages other than English on the CMS web sites and other media (e.g. television and radio).

#### **4. Reporting Requirement**

CMS activities that support Limited English Proficient populations will prepare the CMS Annual Language Access Assessment report.

#### **5. Outcome Measurement**

Measuring this element will require developing additional capacities within CMS. CMS will determine the types of additional capacities and capabilities required within CMS to provide written and oral language assistance.

#### **6. Funding Requirement**

CMS anticipates that the increase in language assistance capacities will require additional resources. Funding increases will be documented in the CMS Annual Language Access Assessment report.

#### **7. Implementation Timeline**

FY 2010 CMS will prepare a free language service notification plan.  
FY 2011 Implement free language service strategy

### **Element 6: Staff Training**

#### **1. Objective**

The CMS Office of Equal Opportunity and Civil Rights will train front-line managers and staff on the policies and procedures of its language assistance activities as appropriate.

#### **2. Implementation Strategy**

- a. CMS will provide training for CMS front-line managers and staff who communicate directly with Limited English Proficient persons, partners and stakeholders.
- b. CMS Components/Consortia that participate in federally conducted LEP activities will develop mechanisms to monitor the needs of Limited English Proficient customers and use results to create specific training for CMS front-line managers and staff that are responsible for providing language access services.

**a. Reporting Requirement**

CMS Components/Consortia that participated in federally conducted LEP activities that support Limited English Proficient populations will prepare CMS Annual Language Access Assessment report.

**b. Outcome Measurement**

- a. Front-line managers and staff will be familiar with CMS Language Access Plan policies and procedures.
- b. CMS Language Access Plan policies and procedure will be available for view by sources internal and external to the government.

**c. Funding Requirement**

The CMS Civil Rights Agency Liaison will include applicable funding requirements in the CMS Annual Language Access Assessment report.

**d. Implementation Timeline**

FY 2010 CMS will develop a CMS LEP training assessment.  
FY 2011 CMS will implement an agency-wide LEP training plan.

**Element 7: Assessing Accessibility and Quality**

**1. Objective**

CMS will institute procedures to assess the accessibility, accountability, and quality of language assistance activities.

**2. Implementation Strategy**

- a. CMS will create a LEP quality control plan.
- b. CMS will implement steps to regularly assess the accessibility and quality of language access services.
- c. CMS will develop a translation quality standard that will be disseminated agency-wide.
- d. CMS will ensure that documents are translated and tested for LEP accuracy to ensure the translation meets the needs of the target population.

- e. CMS will implement steps to ensure all materials will adhere to accessibility guidelines set for in the Rehabilitation Act of 1973, as amended (29 U.S.C§ 794d)

### **3. Reporting Requirement**

The CMS Civil Rights Agency Liaison will prepare CMS annual Language Access Assessment report that will include the agency-wide translation quality standard.

### **4. Outcome Measurement**

FY 2011 Develop agency-wide translation quality standard.  
FY 2012 Implement stakeholder quality review process.

### **5. Funding Requirement**

The CMS Civil Rights Agency Liaison will include applicable funding requirements in the CMS Annual Language Access Assessment report.

### **6. Implementation Timeline**

FY 2012 Document the quality assessment process.

## **Element 8: Resource Utilization**

### **1. Objective**

CMS will engage in opportunities to share resources within and across agencies, by leveraging current programmatic partnerships and by forming regional and interagency partnerships.

### **2. Implementation Step/ Reporting Requirement**

The CMS Civil Rights Agency Liaison will consolidate LEP shared resource information in the CMS Annual Language Access Assessment report.

### **3. Outcome Measurement**

- a. The CMS Civil Rights Agency Liaison will identify in the CMS Annual Language Access Plan report:
  - i. Opportunities to share resources that will result in a positive agency-wide return on investment.
  - ii. Specific LEP programmatic “proven practices” in a consolidated format.

#### **4. Funding Requirement**

The CMS Civil Rights Agency Liaison will include applicable funding requirements in the CMS Annual Language Access Assessment report.

#### **5. Implementation Timeline**

FY 2012 Document the Resource utilization plan.

### **Element 9: Stakeholder Consultation**

#### **1. Objective**

CMS will elicit partner and stakeholder input on how to ensure that Limited English Proficient persons are afforded meaningful access to federally conducted LEP activities and services.

#### **2. Implementation Strategy**

- a. CMS will document stakeholder contact information. For example, use partner meetings, conferences, and town hall meetings to gather input on how to ensure Limited English Proficient persons are afforded meaningful access to federally conducted LEP activities and services.
- b. CMS will implement mechanisms that record stakeholder input regarding meaningful access to federally conducted LEP activities and services.
- c. CMS will complete a LEP process improvement analysis to enhance existing LEP services.

#### **2. Reporting Requirement**

The CMS Civil Rights Agency Liaison will consolidate results in the CMS Annual Language Access Assessment report.

#### **3. Outcome Measurement**

CMS Components/Consortia that participated in federally conducted LEP activities will develop a LEP process improvement analysis.

#### **4. Funding Requirement**

The CMS Civil Rights Agency Liaison will include applicable funding requirements in the CMS Annual Language Access Assessment report.

## **5. Implementation Timeline**

FY 2011 Document LEP stakeholder contact information.

FY 2012 Analyze the use of stakeholder information to enhance LEP services.

## **Element 10: Emergency Preparedness**

### **1. Objective**

To mitigate the effects of a natural disaster or other emergency, CMS will implement strategic measures to ensure access to information, benefits, and services where more than 10% of the customers served or eligible to be served have LEP.

### **2. Implementation Strategy**

- a. CMS Components/Consortia that participate in federally conducted LEP activities will outline steps to measure emergency preparedness status within the scope of emergency service processes currently in place within the area(s) identified with LEP activities.
- b. CMS will outline steps to ensure access to emergency preparedness information, benefits, and services are in place in the event of a natural disaster or other emergency.
- c. CMS will outline steps to ensure that during emergency individuals are not impeded due to LEP status.

### **3. Reporting Requirement**

CMS will include its emergency preparedness plan summary in the CMS Annual Language Access Assessment report.

### **4. Outcome Measurement**

CMS will outline an emergency preparedness process.

### **5. Funding Requirement**

The funding requirement will be documented in the CMS Annual Language Access Assessment report.

### **6. Implementation Timeline**

FY 2010 CMS will outline an emergency preparedness process.

FY 2011 CMS will develop specific emergency preparedness procedures for Components/Consortia that participate in federally conducted LEP activities. FY 2012 CMS Components/Consortia that participate in federally conducted LEP activities will complete an emergency preparedness drill.

## **Element 11: Information Technology**

### **1. Objective**

CMS will utilize information technology, including, but not limited to, electronic records or databases, telemedicine and other options that have been proven to improve access by Limited English Proficient persons for LEP activities, benefits, and services where more than 10% of the customers served or eligible to be served has LEP.

### **2. Implementation Strategy**

- a. CMS will identify LEP systems (systems that contain LEP information) that have a major impact on the LEP process.
- b. CMS will identify LEP systems used to document beneficiaries' language preference information.
- c. CMS will document a potential source from which LEP information may be retrieved, if language preference information is not readily available.
- d. CMS will develop a directory of free language assistance services.
- e. CMS will take steps to ensure all electronic technology is compliant with Section 508 of the 1973 Rehabilitation Act.

### **3. Reporting Requirement**

CMS will include the system impact statement in the CMS Annual Language Access Assessment report.

### **4. Outcome Measurement**

CMS will identify the LEP Language system for information retrieval.

### **5. Funding Requirement**

The funding requirement will be documented in the CMS Annual Language Access Assessment report.

## **6. Implementation Timeline**

FY 2010 CMS will document LEP support databases/systems.

FY 2011 CMS will document system(s) that contain language preference information.

FY 2012 CMS will, if applicable, implement a system that can generate language preference information as appropriate.

## **Appendix**

### **CMS Activities**

CMS activities as described in the CMS strategic Language Access Plan are operational programs that CMS Components and/or Consortia may be involved with that directly impacts Limited English Proficient persons. For example, Components and/or Consortia that participate in activities that directly come into contact with beneficiaries must submit the CMS Annual Language Access Assessment report. Other Components and/or Consortia may provide contributing information (e.g. budgeting support and data analysis) in support of LEP analysis, but are not required to submit an annual report.

### **Federally Conducted Activities**

Under Executive Order 13166 a federally conducted program or activity is, in simple terms, anything a Federal agency does. Each federal agency subject to Executive Order 13166 must design and implement a federally conducted plan to ensure access for Limited English Proficient individuals to all of its federally conducted programs and activities.

### **Federal Financial Assistance**

Federal financial assistance broadly includes: (1) grants and loans of Federal funds, (2) the grant or donation of Federal property and interests in property, (3) the detail of Federal personnel, (4) the sale and lease of, and permission to use Federal property or interest in such property without consideration or at a nominal consideration, and (5) any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance. [45 C.F.R. § 80.13\(f\)](#).

### **Interpretation**

Interpretation involves the immediate communication of meaning from one language (the source language) into another (the target language). An interpreter conveys meaning orally, while a translator conveys meaning from written text to written text. As a result, interpretation requires skills different from those needed for translation. From the standpoint of the user, a successful interpretation is one that faithfully and accurately conveys the meaning of the source language orally, reflecting the style, register and cultural context of the source message, without omissions, additions or embellishments on the part of the interpreter.

## **Proven Practice**

A proven practice is a technique or methodology that, through experience and research, has proven to reliably lead to a desired result. A commitment to using the proven practices is a commitment to using all the knowledge and technology at one's disposal to ensure success.

## **Section 504 of the Rehabilitation Act**

Section 504 of the Rehabilitation Act of 1973, as amended is a national law that protects qualified individuals from discrimination based on their disability. The nondiscrimination requirements of the law apply to employers and organizations that receive financial assistance from any Federal department or agency. These organizations and employers include many hospitals, nursing homes, mental health centers and human service programs. Section 504 forbids organizations and employers from excluding or denying individuals with disabilities an equal opportunity to receive program benefits and services. It defines the rights of individuals with disabilities to participate in, and have access to, program benefits and services.

## **Section 508 of the Rehabilitation Act**

The goal of Section 508 of the Rehabilitation Act of 1973, as amended, is to reduce electronic and information technology barriers experienced by people with disabilities. Under this law, the Federal Government is required to purchase and deploy new Information Technology and other electronic products that are accessible or compatible with assistive technology used by people with disabilities.

## **Vital document**

A document will be considered vital if it contains information that is critical for obtaining federal services and/or benefits, or if CMS is required by law to provide the document. Vital documents include, but are not limited to applications for benefits, consent forms and complaint forms; notices of rights and notices of disciplinary action; notices advising LIMITED ENGLISH PROFICIENT persons of the availability of free language assistance; prison rulebooks; written tests that do not assess English language competency, but rather competency for a particular license, job, or skill for which English competency is not required; and letters or notices that require a response from the beneficiary or client. For example, if a complaint form is necessary in order to file a claim with an agency, that complaint form would be a vital document. For example, non-vital information included documents that are not critical to access such benefits and services. Advertisements of federal agency tours and copies of testimony presented to Congress that are available for information purposes would be considered non-vital information.