

Notice of Kaiser Permanente language assistance program

Adherence requirement

Compliance

What you really need to know

All KP contracted providers will need to cooperate and comply with KP's Language Assistance Program by providing access to KP's language assistance program services to enrollees who are limited English proficient (LEP).

As a KP contracted provider, you must ensure that all KP members treated by you receive effective, understandable, and respectful care that is provided in a manner compatible with their cultural health beliefs, practices, and preferred language. Established provider contracts may reference this obligation explicitly, by reference generally to compliance with the law, ADA regulations, and/or compliance with KP's policies and procedures.

Training

What your staff need to know

All KP contracted providers need to make sure clinical and office staff are aware of the following:

- ✓ KP will inform the contracted provider if a referred KP member needs language assistance and in which language, in writing, together with the authorization
- ✓ How to access the KP language vendor for interpreter/language assistance services
- ✓ How to report any problems you have with accessing the KP language vendor, including unreasonable delays
- ✓ The need to document in the medical record when interpreter services are offered, the use of these services, and an enrollee's refusal to use interpreter services
- ✓ Only qualified contracted interpreters or office staff meeting interpreter standards (see FAQ's) should be used to provide interpreter services to KP LEP enrollees
- ✓ If a member requests an enrollee-specific nonstandard vital document to be translated, the member must receive the translated document within 21 days from their request

Monitoring

What you need to know about tracking complaints, interpreter use and/or refusal and translation requests

KP's reporting and monitoring will rely heavily on the tracking of member complaints regarding their experiences with all KP providers, including KP contracted providers.

KP and all KP contracted providers will be required to track and respond to various language assistance issues including:

- ✓ Problems related to use of various interpreter services
- ✓ Lack of an offering of interpreter services
- ✓ Delays in care/appointments due to language issues
- ✓ Requesting/requiring members to bring in their own interpreter
- ✓ The use and refusal of language assistance services, the type of interpreter services used and if none used, why
- ✓ The enrollee's request for a translated document and the time frame for which the requested translated document was issued

Next steps

- ✓ Review the attached FAQs
- ✓ Provide the FAQs and this KP training material to your staff who have contact with KP's enrollees
- ✓ Review any additional information provided by KP regarding language assistance services
- ✓ Submit to KP, upon request, tracking logs, invoices, and any other documentation regarding KP enrollees' access to, use or refusal of language assistance services
- ✓ Submit to KP, upon request, evidence of clinical and office staff review of training materials

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Contracted provider frequently asked questions (FAQs)

1. **What is the contracted provider's role and responsibility regarding KP's Language Assistance Program?**

Contracted providers will need to cooperate and comply with KP's LAP by facilitating an LEP enrollee's access to LAP services – *particularly oral interpreter and sign language services in the clinical setting*. Contracted providers should offer language assistance to KP members who appear to need it even if they do not ask for it or if their language preference was not indicated on the referral form. However, if the service is refused, the contracted provider can elect to have an interpreter present to ensure effective communication occurs.

2. **As a contracted provider am I required to translate any documents used in the office setting?**

No. Only written material produced by Kaiser Foundation Health Plan is included within the regulatory scope of proactive translation. Examples of provider documents that are **not required** to be proactively translated:

- a. Consent to treat or admit
- b. Discharge instructions
- c. Appointment card
- d. Educational material available in your office

3. **How do I access interpreter services for a KP member in the event that I do not have a qualified bilingual staff at the time of service?**

Our expectation is that you will provide interpreter services in-person using your own qualified bilingual staff if you have them. In the event that you do not have qualified bilingual staff at the time services are needed, proceed to utilize:

- a. Phone interpretation: KP has contracted the services of United Language Group, a company with the capability to provide telephonic interpreter services in 200 different languages. Phone interpreter services are available 24 hours per day, 7 days per week through United Language Group/Propio Language Services by calling 1-855-346-4810. While no lead time is needed to engage an interpreter through this service, contracted providers must have the following data elements available before placing the call:

1. KP referral or authorization number
 2. Enrollee's KP Medical Record Number (MRN)
 3. Enrollee's language preference
- b. Sign Language: KP has contracted the services of Hawaii Interpreting Services, a company with the capability to provide in-person interpreter services for enrollees requiring sign language. At least two week's advance notification of need for a sign language interpreter is recommended to help ensure interpreter is available. Please provide as much advance notice as possible when requesting sign language interpreter services. Services are available by calling 1-808-394-7706, 24 hours per day, 7 days per week. Contracted providers may arrange in-person interpreter services for multiple dates of service with one call, but must have the following data elements available before placing the call to schedule:
1. KP referral or authorization number
 2. Enrollee's KP Medical Record Number (MRN)
 3. Date(s) of enrollee's appointment(s)
 4. Time and duration of each appointment
 5. Specific address and location of appointment(s)
 6. Any access or security measures the interpreter will need to know and plan for to gain entry to the place of service
 7. Key Contact Name and Number for KP inquiries regarding the request for interpreter services

Contracted providers are asked to please provide a cancellation notice *at least 48 hours* in advance of the scheduled appointment.

- c) KP will directly reimburse the companies above for interpreter services provided to KP enrollees. Neither enrollees nor contracted providers will be billed by these companies for interpreter services.
4. **What do I do if I have trouble accessing the interpreter vendors?**
Please inform KP of any complaints, concerns, or questions that you have with the KP provided language assistance service vendors by calling 1-808-432-2250.

United Language Group/Propio Language Services (ULG/PLS) customer service can be reached at 1-888-528-6692. In addition, ULG/PLS offers an email address if you wish to submit an issue through email (clientservices@propio.com). You will receive a follow-up response within 48 hours.

5. Do I need any special equipment for use with telephonic interpreter services?

Contracted providers will need a speakerphone or dual handset phone in the administrative and/or clinical areas in which the telephonic interpreter services will be provided. Please comply with all HIPAA and other privacy requirements when providing these services. KP will not be financially responsible for telecom upgrades to a contracted provider's place of service necessary to comply with this regulatory obligation.

6. Can I use my own bilingual staff to interpret?

If a contracted provider chooses to use their bilingual staff as interpreters, they must meet the regulatory standards set out in KP's minimum quality standards for interpreters:

- a. Documented and demonstrated proficiency in both English and the other language
- b. Fundamental knowledge in both languages of health care terminology and concepts
- c. Education and training in interpreting ethics, conduct and confidentiality

7. What do I have to document in the enrollee's medical record with regard to interpreter services?

Contracted providers need to note the following in the enrollee's medical record:

- a. that language assistance was offered to an LEP enrollee and how it was provided (i.e. name of interpreter and agency, employee name and ID, over the phone, in-person, etc.)
- b. if the language assistance was refused by the enrollee, specifically why was it refused, (i.e. patient preferred to use own English skills, etc.)

8. Is the use of family members prohibited from serving as interpreters for enrollees?

No. Adult family members are not banned from serving as interpreters for enrollees; however, this practice is discouraged. Minor children should not be used as interpreters, except in extraordinary situations such as medical emergencies where any delay could result in harm to a member/patient, and only until a qualified interpreter is available.

Contracted providers should remind KP enrollees that KP provides free, quality language assistance services. Should a KP LEP member refuse to access KP's language interpreter services, then the contracted provider must document that refusal in the enrollee's medical record. However, if the service is refused, the contracted provider can elect to have an interpreter present to ensure effective communication occurs.

9. Which staff members need training regarding the LAP program?

Contracted providers should review this document with any staff that interacts with LEP enrollees on KP's Language Assistance Program and how to access language assistance services for KP members. KP may request proof of review of training materials with staff at any time.