

Course Number 7 — Cultural Competence and Language Assistance

Module 1 — Course Introduction

Course Introduction

Cultural Competence and Language Assistance

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Welcome

Welcome to the course on Cultural Competence and Language Assistance!

I'm Jo, and I will be your guide through this training.

This course defines culture as it relates to consumers and highlights the importance of cultural and linguistic competence when you assist them with eligibility, enrollment, and post-enrollment issues.

Perception and Impressions

Have you ever had a wrong first impression of someone?

Has someone from a different background or another culture ever had a wrong first impression of you?

When you meet someone for the first time, what are some things you might perceive that aren't there?

What things can you do to move past your first impression of a person to avoid interpreting things that might not really be there?

Course Goal

If you're a Navigator in a Federally-facilitated Marketplace (FFM), you're responsible for providing fair, accurate, nondiscriminatory, and impartial information and services in a manner that is culturally and linguistically appropriate to meet the needs of consumers, including those with disabilities and limited English proficiency (LEP) in accordance with applicable laws. For example, you're required to follow the FFM Navigator Culturally and Linguistically Appropriate Services (CLAS) standards set forth in Centers for Medicare & Medicaid Services (CMS) regulations (i.e., 45 CFR 155.215(c)). These regulations are consistent with National CLAS Standards, and their application to various Assister types will be discussed throughout this course. Civil rights laws impose overlapping (though not identical) requirements with CLAS standards, and they are addressed later in this course and in course 8.

Goal:

This course will help you understand cultural competence and language assistance to provide the best possible assistance to consumers from all cultures and backgrounds.

By the end of this course, you will understand:

- how to follow CLAS standards to provide effective assistance
- how to communicate effectively with consumers using appropriate language services
- how to recognize cultural implications of language and common linguistic miscommunications

Not all standards in this training apply to Certified Application Counselors (CACs) in FFMs. Navigators can be great resources for CACs who wish to provide referrals when they aren't able to provide the assistance consumers require.

Module 2 — Understanding Cultural and Linguistic Competence

Module Introduction

In this course, you will learn the most appropriate ways to help various consumers learn about their coverage options and insurance affordability programs through the Marketplaces. By the end of this module, you should be able to understand these concepts and accomplish the associated tasks below them.

Federal Regulatory Standards

Describe six FFM Navigator Culturally and Linguistically Appropriate Services (CLAS) standards that Navigators must follow under Centers for Medicare & Medicaid Services (CMS) regulations.

Key Terms

Define key terms including culture, linguistics, and cultural and linguistic competence.

Cultural Characteristics

List cultural characteristics to consider when working with consumers.

Competency

Explain the importance of a culturally and linguistically competent approach to working with consumers.

FFM Navigator CLAS Standards Applicable to Certain Assistors

CMS regulations at 45 CFR 155.215(c) require Navigators in FFM to follow five steps consistent with National CLAS standards.

Certified Application Counselors (CACs) in FFM are encouraged but not required to utilize CLAS standards in this course as a resource. Additionally, CACs are expected to provide referrals to geographically accessible Navigators that are subject to the requirements of this course or to the FFM Call Center if they aren't able to assist an individual with limited English proficiency (LEP).

In addition, Section 1557 regulations contain requirements regarding communication with people with LEP and those with disabilities. These requirements apply to Navigators but not CACs, unless they receive Federal financial assistance.

Step 1

Developing and maintaining general knowledge about the racial, ethnic, and cultural groups in your service area, including each group's health beliefs and practices, preferred languages, health literacy, and other needs.

Step 2

Collecting and maintaining updated information to understand the composition of the communities in the service area you'll be working, including the primary spoken languages.

Step 3

Providing oral and written notice to consumers with LEP in their preferred language informing them of their right to receive language assistance services and how to get them.

Step 4

Providing consumers with information and assistance in their preferred language, at no cost to the consumers, including oral interpretation and written translation when necessary or requested.

**Note:* Use of a consumer's family or friends as oral interpreters can satisfy the requirement to provide linguistically appropriate services; however, you must offer interpretation services at no cost first and the consumer must instead request the use of family or friends.

Step 5

Receiving ongoing education and training in culturally and linguistically appropriate services delivery.

Definition of Culture

The Department of Health & Human Services (HHS) Office of Minority Health (OMH) defines culture as “the integrated patterns of thoughts, communications, actions, customs, beliefs, values, and institutions associated, wholly or partially, with racial, ethnic, or linguistic groups, as well as religious, spiritual, biological, geographical, or sociological characteristics. Culture is dynamic in nature, and individuals may identify with multiple cultures over the course of their lifetimes.”

To follow FFM Navigator CLAS standards, consider how culture affects the way consumers communicate their preferences. Culture can shape or determine:

- how consumers understand and process health care information
- how consumers express concerns about their health conditions
- what health coverage consumers need

Identification of Culture

It's important to take an individual's culture into account.

Some of the things that may be relevant to an individual's culture include:

- age
- race
- color
- national origin
- language and dialect
- ethnicity
- disability
- physical ability and limitations
- family structure
- health practices
- perspective on diet and nutrition
- perspective on family and community
- political beliefs
- moral values and convictions
- religious beliefs and practices
- socioeconomic status
- education level

Definition of Linguistics

You should recognize potential linguistic barriers when discussing health coverage options. **Linguistic** refers to language. Effective use of language is important to understanding consumers' needs and ensuring consumers understand you. Remember, Navigators in FFMs are required to follow CLAS standards set forth in CMS regulations at 45 CFR 155.215(c). They are also required to comply with language access requirements set forth in regulations implementing Title VI and Section 1557 of the Affordable Care Act, both of which prohibit discrimination on the basis of national origin. These legal requirements are covered in more depth in *Course 6: Serving Select Population Groups & Communities*.

Before you help consumers, you should identify the common languages spoken in the community you serve. If you're unable to communicate in those languages, you must have access to required language assistance services, including interpretation and translation services, before you meet with consumers.

Note: Never assume that consumers have specific language preferences based only on their races or ethnicities.

Knowledge Check

Elice, the leader of a local community, has complained that your Navigator organization didn't meet the language needs of several people in his community. What activities correspond with standards you're required to follow to help your organization better serve the needs of Elice and his community members?

Answer: The FFM Navigator CLAS standards that you're required to adhere to include receiving ongoing education in CLAS delivery, providing consumers with information and assistance in their preferred language, and developing and maintaining knowledge about groups in your area. You're not required to conduct surveys to collect and evaluate feedback on the services local consumer groups receive from your organization.

Cultural and Linguistic Competence

Together, **cultural and linguistic competence** can be defined as behaviors, attitudes, and policies that come together in a system, agency, or among professionals that enables effective work in cross-cultural situations. It implies having the capacity to function effectively as an individual and an organization within the context of the cultural beliefs, behaviors, and needs presented by consumers and their communities.

To be culturally and linguistically competent, you should be able to:

- Identify, understand, and respect differences in consumers' cultural beliefs, behaviors, and needs.
- Respond appropriately to consumers based on their culture and language needs, which may include speaking consumers' preferred languages, making referrals or asking for help (e.g., getting interpretation and translation services).
- Acknowledge, respect, and accept cultural differences among consumers.

Regardless of your Assister type, you're encouraged to review and follow [National CLAS Standards on the OMH website](#), which will help you provide culturally and linguistically appropriate services to consumers.

Knowledge Check

What is cultural and linguistic competence?

Answer: Linguistic competence is the ability to speak consumers' preferred languages or offer interpreter services when needed. Cultural competence is the capacity to identify, respect, and understand differences in cultural beliefs, behaviors, and needs of consumers.

A Culturally and Linguistically Competent Approach

A culturally and linguistically competent approach can improve your outreach and education efforts. This is especially important when you work with consumers who:

- come from another country with a different (or minimal) health care system
- lack awareness about coverage available through the FFMs
- you hope to build trust with to help them find coverage that fits their budgets and needs

Keeping cultural and linguistic competence in mind will help you provide more effective assistance, so consumers are more likely to:

- have an understanding of the Marketplaces
- make timely and informed decisions about health coverage

Following FFM Navigator CLAS standards can help you meet consumers' needs. Always assess consumers' needs and tailor your approach to them.

Key Points

- Culture affects the way consumers express their beliefs, values, and preferences through their communications and actions.
- Cultural and linguistic competence involves the ability to understand and respond effectively to consumers' cultural and linguistic needs, as well as the ability to speak consumers' preferred languages or offer interpreter services when needed.
- It's important to not let your personal feelings and beliefs affect the support you provide to consumers. As a best practice, put yourself in their shoes and consider consumers' needs and options from their points of view.

Module 3 — Understanding Differences between Individuals

Module Introduction

Individuals are different from one another in many ways, including race, color, national origin, disability, age, religion, and other aspects of culture. This training will help you learn to provide everyone friendly, objective, and impartial customer service. By the end of this module, you should be able to understand these concepts and accomplish the associated tasks below them.

Identity Groups

Identify some of the largest groups in the U.S.

Cultural Beliefs

Explain how cultural beliefs may affect consumer health care preferences.

Discrimination & Stereotypes

List examples of discrimination and stereotypes.

Prevention

Describe ways you can prevent and remedy discrimination and stereotyping.

Overview of Consumers: Race, Color, and National Origin

Respecting consumers' racial and ethnic differences can help when you assist them in choosing and accessing coverage.

The major racial and ethnic groups in the U.S. according to the Federal Government are:

- Black, not of Hispanic origin: A person having origins in any of the Black racial groups of Africa.
- Hispanic or Latino: A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture origin, regardless of race.
- Asian: A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
- Native Hawaiian or Other Pacific Islander: A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- American Indian or Alaska Native (AI/AN): A person having origins in any of the original peoples of North and South America (including Central America) and who maintains tribal affiliation or community attachment.
- White, not of Hispanic Origin: A person having origins in any of the original peoples of Europe, North Africa, or the Middle East.

To learn about these groups in your community, you may explore census data on the [United States Census Bureau](#) website.

Overview of Laws Protecting Civil Rights

It is important to recognize and be sensitive to differences based on race, color, national origin (including limited English proficiency (LEP) and primary language), disability, age, sex, and religion. Certain laws protect people from discrimination based on these differences, including the following examples.

- Section 1557 of the Affordable Care Act (ACA) (Section 1557) prohibits discrimination on the grounds of race, color, national origin, sex, age, or disability in covered health programs and activities.
- Title VI of the Civil Rights Act of 1964 (Title VI) prohibits discrimination based on race, color, or national origin (including LEP) and requires covered entities to take reasonable steps to provide meaningful access for individuals with LEP in order to prevent discrimination on the basis of national origin.
- The Americans with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973 protect individuals against discrimination based on disability. Section 1557 requires covered entities to notify the public of the availability of auxiliary aids and services for individuals with disabilities.
- The Age Discrimination Act of 1975 prohibits discrimination based on age.
- Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex.
- Multiple laws protect consumers against religious discrimination and protect the free exercise of religion, including the Religious Freedom Restoration Act of 1993. Additional laws protect the conscience rights of health care professionals.
- Federal CMS regulations at 45 CFR 155.120 prohibit the Marketplaces from discriminating against consumers because of their race, color, national origin, disability, age, or sex.

Assister Duties under Section 1557

Section 1557 of the ACA

The HHS Final Rule implementing Section 1557 of the ACA (45 CFR Part 92) applies, except as otherwise provided in the regulation, to:

1. Every health program or activity, any part of which receives Federal financial assistance (FFA), directly or indirectly, from HHS;
2. Every health program or activity administered by HHS; and
3. Every program or activity administered by a Title I entity. Title I entities include State Marketplaces (including those on the Federal platform) and the Federally-facilitated Marketplace, both of which were created under Title I of the ACA.

Under Section 1557 of the ACA:

- Navigators and other recipients of HHS FFA (including any Certified Application Counselors who receive federal financial assistance) must take reasonable steps to provide meaningful access to individuals and their companions with LEP. In some instances, this requires providing written and/or oral language assistance services through qualified interpreters. When necessary, as a reasonable step to provide meaningful access, language assistance services must be provided free of charge, be accurate and timely, and protect the privacy and independent decision-making ability of the individual. The Marketplaces are also subject to these requirements.
- Navigators and other recipients of HHS FFA (including any Certified Application Counselors who receive FFA) must also take appropriate steps to ensure effective communication for individuals with disabilities (including companions with disabilities). Where necessary to afford such individuals an equal opportunity to participate in the program, this must include providing appropriate auxiliary aids and services. These auxiliary aids and services must be provided free of charge, in accessible formats, in a timely manner, and must protect the privacy and independence of the individual with a disability. When interpreters are provided, they must be qualified. The Marketplaces are also subject to these requirements.

Under 45 CFR 155.120(c)(2):

- Certified Application Counselor (CAC) organizations that receive federal funds to provide services to a specific population, like a Ryan White HIV/AIDS program or an Indian health provider, may limit their provision of CAC services to that population, if they don't discriminate within that specific population. If CACs providing these limited services are approached by consumers outside of this specific population, they must refer these consumers to Marketplace-approved resources, such as Navigators or other CACs who can help.

Examples of Discrimination

You should be mindful of discrimination to ensure your actions don't deter, delay, or prevent consumers from applying for coverage.

Examples of discrimination could include:

- refusing to provide assistance in your role working with the Marketplaces, providing inadequate assistance, or treating consumers in an inferior manner because of their race, color, national origin (including LEP and primary language), disability, age, sex or religion.
- Creating a hostile environment through harassment.
- Refusing to take reasonable steps to provide language assistance services when needed to provide meaningful access by individuals with LEP or appropriate auxiliary aids and services for persons with disabilities, like translation or sign-language interpretation services.
- Requesting immigration-related documents that aren't required for enrollment.

You can help prevent and remedy discrimination by:

- Ensuring your organization, if it has 15 or more employees, has a designated Section 1557 Coordinator to oversee compliance as required by the Section 1557 regulation at 45 CFR 92.7. The Coordinator's duties include coordinating the implementation of policies and training required by Section 1557.
- Identifying and supporting staff who have special expertise or experience working with the groups represented in the area you serve.
- Identifying an individual in your organization to oversee organizational efforts to provide nondiscriminatory assistance to consumers.
- Developing grievance procedures for consumers to report discrimination as required for employers with 15 or more employees under the Section 1557 implementing regulations at 45 CFR 92.8(c).
- Explaining to consumers who think their rights have been violated how to file a complaint with the Office for Civil Rights (OCR). For more information, refer to the OCR website [Filing a Civil Rights Complaint](#).
- Implementing nondiscrimination policies, procedures, and training requirements as required by the Section 1557 regulation at 45 CFR 92.8–92.9.
- Implementing disciplinary processes that address intimidating, disrespectful, and discriminatory behavior.

Avoiding Stereotypes

In your work, you should be conscious of avoiding stereotypes. Stereotypes are images or ideas of a particular “type” of person or thing that may be widely held but aren’t necessarily accurate and represent an overly simplified view (e.g., a statement that in a traditional family the man is the main financial provider).

It’s important to understand that what applies to one person in a particular culture may not apply to someone else in that same culture. Knowing this will help you avoid stereotypes when interacting with consumers.

What You Should Know to Avoid Stereotypes

You should keep the following in mind to make sure you avoid stereotypes:

Personal Story

Consumers may have their own personal stories, beliefs, ways to communicate, and health histories.

Education & Income

Consumers may have different incomes and education levels, and these backgrounds can affect their beliefs and opinions about health and coverage.

Country or Region

Consumers from the same country, even from the same region, may differ greatly in their traditions, customs, and opinions about health and coverage.

Although it's important and helpful to understand basic information about various cultures, be sure to ask questions — when appropriate — to learn about each unique, individual consumer. You should also become familiar with your own biases and ensure they don't affect the service you provide.

Key Points

- CACs are prohibited from discriminating against individuals because of their race, color, national origin, disability, age, or sex under requirements set forth in 45 CFR 155.120 and Section 1557 of the Affordable Care Act.
- All individuals are different, and you should avoid stereotyping.

Module 4 — Limited English Proficiency Laws and Policies

Module Introduction

As mentioned in Module 2, Centers for Medicare & Medicaid Services (CMS) regulations set forth the Culturally and Linguistically Appropriate Services (CLAS) standards that apply to Navigators in Federally-facilitated Marketplaces. These standards require Navigators to provide oral interpretation and translation of written documents to consumers with limited English proficiency (LEP), in their preferred language, informing them of their right to receive language assistance services and how to obtain them.

By the end of this module, you should be able to understand these concepts and accomplish the associated tasks below them.

FFM Navigator CLAS & LEP Standards

Recognize applicable FFM Navigator CLAS standards when serving consumers, including consumers with LEP.

Implementation

Describe ways you and your organization can implement FFM Navigator CLAS standards and conduct LEP assessments.

Purpose

Individuals can have a wide variety of backgrounds, like:

- racial or ethnic communities; immigrants; and people who don't speak English as their primary language and who have a limited ability to read, write, speak, or understand English, referred to as consumers with LEP
- individuals who communicate through American Sign Language (ASL)
- individuals with different socioeconomic statuses
- religious minorities

These individuals may have a more difficult time getting health care, may get a lower quality of care, and may have poorer health than consumers who are not members of these groups. To help reduce these disparities, the Department of Health & Human Services (HHS) Office of Minority Health (OMH) published the enhanced National CLAS Standards in Health and Health Care. OMH's National CLAS Standards include ways to make health care services more responsive to the needs of all consumers. CMS encourages all entities providing Marketplace outreach and enrollment assistance to refer to OMH National CLAS Standards when implementing FFM Navigator CLAS standards.

Introduction to LEP

Many people in the U.S. speak languages other than English. If the organization you work for receives Federal financial assistance (FFA), you are prohibited from discriminating against individuals based on their national origin. Accordingly, recipients of FFA are required to take reasonable steps to provide meaningful access to their health programs and activities by individuals with LEP. If necessary to provide meaningful access, your organization must provide language assistance services free of charge, accurate, and timely, and protect the privacy and independence of the individual. If a recipient doesn't provide language assistance services to individuals with LEP, and it results in a delay or denial of services, the recipient of FFA might be violating federal laws.

Language assistance services are very important because language barriers can cause poor communication or miscommunication. These barriers could lead to coverage decisions based on misunderstanding and/or incorrect information.

LEP Guidance and Standards

When you provide language assistance services as a reasonable step to provide meaningful access to individuals with LEP (including companions with LEP), those services must be free of charge, accurate, timely, and protect the privacy and independent decision-making ability of the individual with LEP.

CMS Marketplace regulations

CMS Marketplace regulations provide specific language access standards applicable to all types of Marketplaces, including FFMs. For example, Navigators are subject to 45 CFR 155.205(c), which (among other things) requires the provision of oral interpretation and written translation assistance by qualified persons free of charge for individuals with LEP.

Section 1557 of the Affordable Care Act (ACA)

Remember, this nondiscrimination provision applies, except as otherwise provided in the regulation, to:

- Every health program or activity, any part of which receives FFA, directly or indirectly, from HHS;
- Every health program or activity administered by HHS; and
- Every program or activity administered by a Title I entity.
 - Title I entities include State Marketplaces (including those on the Federal platform) and the Federally-facilitated Marketplace, both of which were created under Title I of the ACA.

Title VI of the Civil Rights Act of 1964

Together, Section 1557 of the ACA and Title VI of the Civil Rights Act of 1964 require covered entities to take reasonable steps to provide meaningful access to their programs and activities by individuals with LEP, including through language assistance services. A recipient must take reasonable steps to provide meaningful access to its programs or services, including Navigator and Assister services. Where those steps include providing language assistance services to individuals with LEP, failing to provide the language assistance would violate the prohibition against national origin discrimination. Recipients should adopt policies and practices to ensure language assistance services are provided.

Additional LEP Guidance

- HHS LEP guidance provides a framework for recipients of federal funding to determine how to comply with statutory and regulatory LEP obligations.
- State and local regulations may require additional measures. It's your responsibility to be aware of and follow all applicable state and local laws, unless they would prevent the application of the provisions of Title I of the ACA.

Phase One: Assessment

When interpretation services are required, a qualified interpreter must be offered. However, these requirements do not obligate individuals with LEP to accept language assistance services.

If these services are accepted, you must use qualified interpreters for required interpretation services, and qualified translators for required translation services. You cannot require an individual with LEP to provide their own interpreter or to pay the cost of their own interpreter.

In some circumstances, an individual with LEP may wish to rely on an adult who is not a qualified interpreter (such as a friend or family member) to interpret or facilitate communication. Absent an emergency, you can only rely on the adult if these conditions are met:

- The individual with LEP makes this request in private with a qualified interpreter present and without the adult they wish to rely on present.
- The adult they wish to rely on agrees to provide this assistance.
- The request and the agreement are documented.
- The reliance is appropriate under the circumstances.

Phase One: Assessment (Cont'd)

It is never appropriate to rely on a minor child to interpret or facilitate communication except as a temporary measure while finding a qualified interpreter in an emergency involving an imminent threat to the safety or welfare of a person or the public.

Instead of a live interpreter, you can use high-quality video or audio remote interpreting services, if they allow for meaningful access and provide real-time audio (and video if applicable) over a dedicated high-speed connection that allows for the clear transmission of voices and sharply delineated images (if video). Your organization is responsible for ensuring that the users of the technology and those who set it up and operate it are adequately trained.

When your organization has taken all reasonable steps to provide meaningful access to individuals with LEP, you may still need to refer them to other FFM resources. Available resources include pre-translated FFM documents and job aids at [HealthCare.gov](https://www.healthcare.gov), the toll-free [FFM Call Center](https://www.fmmcallcenter.com), the Spanish language version of HealthCare.gov ([CuidadoDeSalud.gov](https://www.cuidadoDESALUD.gov)), and other FFM Assistors that better serve specific groups of consumers.

It's important not to delay providing services to consumers with LEP while you look for additional assistance. For example, if you receive FFA, you should contact your funding agency to ensure you're complying with program requirements related to language assistance services.

Phase Two: LEP Plan

In addition, the Section 1557 regulation sets forth additional specific requirements for covered entities related to language access. Among other things, the regulation requires covered entities to:

Implement written language access.

Implement written language access procedures describing the entity's process for providing language assistance services, which must include, at minimum, the following information: current contact information for the Section 1557 Coordinator (if applicable); how an employee identifies whether an individual has LEP; how an employee obtains the services of qualified interpreters and translators the covered entity uses to communicate with an individual with LEP; the names of any qualified bilingual staff members; and a list of any electronic and written translated materials the covered entity has, the languages they are translated into, date of issuance, and how to access electronic translations. 45 CFR 92.8(d).

Provide staff training.

Provide staff training on the language access procedures discussed above, among other things. 45 CFR 92.9.

Provide a notice of non-discrimination.

Provide a notice informing the public that the entity does not discriminate on the basis of race, color, national origin (including LEP), sex, age, or disability and that the entity provides language assistance services, free of charge and in a timely manner, when such services are a reasonable step to provide meaningful access to an individual with LEP. 45 CFR 92.10.

Provide a notice of assistance services.

Provide a notice of availability of language assistance services and appropriate auxiliary aids and services free of charge when necessary for compliance with section 1557. Such notices must be provided in English and at least the 15 languages most commonly spoken by individuals with LEP of the relevant State or States in which a covered entity operates and in alternate formats for individuals with disabilities who require auxiliary aids and services to ensure effective communication. 45 CFR 92.11.

Implementation: Helpful Tips

Here are things to consider when evaluating how different LEP services might best meet the needs of different consumers:

- Assess the possible need for LEP resources within the population(s) served by your programs using United States Census and community data sources.
- Create a one-page document for each commonly used language, displaying a list of materials available in that language.
- Engage with local community-based groups to learn more about the cultural and linguistic communities you are serving.
- Check official FFM resources like [HealthCare.gov](https://www.healthcare.gov/) or [CuidadoDeSalud.gov](https://www.cuidadodesalud.gov/) to identify if materials are already translated.

Implementation: Helpful Tips (Cont'd)

Additional considerations for implementing FFM Navigator CLAS standards include:

- Involving community members as you develop materials that meet the FFM Navigator CLAS standards.
- Using newsletters, ethnic media outlets, the Internet, and other ways to let your community know about your organization's activities that satisfy the FFM Navigator CLAS standards. Ethnic media is the primary source of community information for many individuals with LEP.
- Considering the best arrangement for your organization to provide oral interpretation and written translation services (i.e., qualified bilingual staff, a qualified in-person interpreter, and commercially available telephonic oral interpretation services).
- Creating a centralized web page or resource for the organization's staff that contains information about serving individuals with LEP (e.g., LEP policies, procedures, and instructions on how to access interpretation services).
- Creating conflict and grievance resolution processes that are culturally and linguistically appropriate.
- *Note: Only the legal name that appears on documentation (e.g. Social Security card) can be used for applicable purposes in the Marketplaces. Let consumers know they can file a complaint with state and federal agencies, like the HHS OCR, if they think that they've experienced discrimination.
- Creating audio or video translations of materials and making the content available via telephone and the Internet.
- Providing translated materials in simple, understandable language, preferably at the fourth-grade level.
- Including images and culturally sensitive language in outreach, education, and marketing materials.

Navigator organizations in FFMs must conduct an individualized LEP assessment of the needs of individuals with LEP in their organization's service area. 45 CFR 155.215(c)(2). These organizations should align their resources to best meet those needs. The HHS OMH offers a library of resources to help you get started. Partnering with other Marketplace assistance programs may help maximize your resources.

Resources to Help You Provide LEP Assistance

Below are a variety of materials to provide appropriate language services to consumers. You might find it helpful to review these materials and have them readily available for additional guidance.

[Other Language Resources at HealthCare.gov](#)

[Other languages | CMS](#)

[Think Cultural Health website from the HHS OMH](#)

[Language Services Resource Guide for Health Care Providers from the National Health Law Program*](#)

[HHS Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons](#)

*Note: CMS doesn't endorse the information on any nongovernment websites, but you may find these resources helpful. You can access additional materials through the **Resources** section.

Key Points

- Providing culturally and linguistically appropriate services can:
 - help decrease health disparities for consumers
 - improve quality of health services and health care outcomes
 - respond to current demographic changes in the U.S.
- CMS regulations implementing CLAS standards for FFM Navigators were created to make programs more responsive to the needs of consumers.
- Federal laws protect consumers against national origin discrimination by requiring recipients of FFA to take reasonable steps to provide meaningful access to their programs, services, benefits, and activities by individuals with LEP. National origin discrimination can occur if you administer your program in a manner that delays or denies services to persons with LEP. Failure to provide timely language assistance services at no cost to the consumer can result in a violation of federal law.
- It is recommended that you conduct an individualized LEP assessment of your program and the needs of people with LEP in your organization's service area. You should align your resources to best meet those needs. The HHS OMH offers a library of resources to help you get started. Partnering with other Marketplace assistance programs may help maximize your resources.

Module 5 — Providing Culturally and Linguistically Appropriate Services

Module Introduction

In previous modules, you learned about cultural competence and language assistance.

Now, you can apply what you've learned when assisting consumers in applying for coverage through a Federally-facilitated Marketplace (FFM). By the end of this module, you should be able to understand these concepts and accomplish the associated tasks below them.

Centers for Medicare & Medicaid Services (CMS) Appropriate Services

Apply CMS Culturally and Linguistically Appropriate Services (CLAS) standards to an individual with limited English proficiency (LEP).

Meetings

Demonstrate how to prepare for subsequent meetings.

Scenario Background

This scenario will introduce you to a consumer, Yono, who's a member of the Japanese community and has LEP. Assume throughout this scenario that you're a Navigator in an FFM.

This scenario covers CMS regulations implementing CLAS standards that you and the members of your organization directly serving consumers (e.g., the receptionist and the Navigators) are required to follow.

Note: This scenario covers only a portion of a meeting. In reality, you may provide all consumer assistance during one meeting, including an overview of the Marketplaces and support in the enrollment process.

Meet Yono: Providing Culturally and Linguistically Appropriate Services

You work for a small nonprofit organization that aids the local Japanese community whose primary language is not English. Your nonprofit just got a Navigator grant from the Department of Health & Human Services (HHS) to help consumers apply for coverage through the Marketplace in your state. Many of your coworkers speak the language of that community, but you don't. Your organization has staff interpreters to help communicate with these consumers.

Yono, a member of this community, comes into your office to learn about health coverage she may qualify for through the Marketplace. Yono wasn't born in the U.S. but is now a U.S. citizen. She doesn't read, speak, or understand English well. Yono is a waitress at a local restaurant and a single mother with a 12-year-old son who's fluent in English. Yono is in good health and doesn't have any mental or physical disabilities.

Your job is to tell Yono about the Marketplace in her state, provide information to her about the coverage that she and her son may be eligible for, and assist her with enrolling in coverage. You should help Yono in a culturally and linguistically appropriate way to meet her specific needs.

Yono calls the office on Monday to schedule a follow-up meeting with you and talks to the receptionist who speaks her language.

CMS recommends that you and/or your organization:

- Ask which language Yono prefers to speak when she comes in. It's important not to assume which language a consumer may choose to speak. It's a best practice to ask all first-time consumers their language preferences.
- Ask Yono if she can read and understand English.
 - If her response is "No," the receptionist should ask if Yono can read in her own language and whether she prefers written materials. Yono tells the receptionist she can read and write in her own language.
 - If Yono can't read English well, the receptionist should note that spoken communication in her preferred language is optimal and that written materials should include pictures or drawings.

If the receptionist didn't speak Yono's preferred language, she could use a commercially available telephonic oral interpretation line (that has agreed to comply with the same privacy and security standards as the Navigator entity) to identify Yono's language and provide oral interpretation services. If Yono was at the office and the receptionist didn't speak her preferred language, the receptionist could use the HHS web page titled [Get Help in Other Languages](#) to identify Yono's language and get an interpreter. The web link to this resource can be found in the Resources section of this course. Even if Yono indicated she could communicate in English, the receptionist should make a note for the Navigator to ask Yono if she would like to use an interpreter anyway. Yono cannot be required to use an interpreter if she does not want to.

You're scheduled to meet Yono next Wednesday.

You learn from the receptionist that Yono will need an interpreter and materials written in her preferred language. From your training, you remember that even when consumers are of the same nationality, each person is unique. You remind yourself that when you meet with Yono, you shouldn't assume she'll be like other consumers you've assisted.

As an HHS Navigator grant recipient, your organization receives Federal financial assistance (FFA). Therefore, remember that you must comply with Section 1557 of the Affordable Care Act (ACA) and Title VI of the Civil Rights Act of 1964, which prohibit discrimination based on race, color, or national origin (including LEP). Failing to take reasonable steps to provide meaningful access to consumers with LEP discriminates on the basis of national origin, in violation of these laws.

The interpreter that you scheduled for your meeting with Yono is busy the day you planned to meet, so you ask the receptionist to call Yono to identify if there's another date she's available. Yono informs the receptionist that her son speaks very good English and will come in to interpret as he often does for her. The receptionist asks you what to do.

You remember that you can't rely on a consumer's family or friends as oral interpreters except as a temporary measure in emergencies, or if the consumer specifically requests that their adult friend or family member interpret for them and the friend or family member agrees. You can never rely on a minor child to interpret except as a temporary measure in an emergency. To provide Yono with meaningful access to your program, you instruct the receptionist to inform Yono that professional interpreter services will be made available at no charge, but the meeting will need to be rescheduled for when those services are available (without undue delay). Yono informs you that she prefers coming when professional services are available. The receptionist reschedules the appointment for Friday.

Knowledge Check

When Yono calls to schedule an appointment to meet with a Navigator, it's important that the receptionist gathers information about Yono's language needs. What questions should the receptionist ask Yono to make sure her language needs are met?

Answer: The receptionist should ask Yono which language she prefers to speak and whether she can read and understand English. By asking those two questions, adequate language resources can be made available for her meeting. It would be prohibited to require Yono to bring and pay for her own interpreter or to ask her if her son could interpret for her, recognizing that you cannot rely on unqualified adults as interpreters except as a temporary measure in emergencies or if the consumer specifically requests that the adult interpret for them, the adult agrees, the request and agreement are documented, and it is appropriate under the circumstances. Minor children cannot be used as interpreters except as a temporary measure in an emergency involving an imminent threat to safety or welfare of an individual or the public.

Preparation for Your Next Meeting

You've done a lot to prepare to provide linguistically appropriate services for Yono. Now, you'd like to find resources in case you need to provide additional assistance. You remember from your training there are helpful links you can reference in the **Resources** section.

These references might be helpful if:

- The scheduled interpreter has an emergency, and you need to use an interpreter over the phone or through video remote interpreting services.
- You have more materials that would be helpful to Yono, but they aren't translated into her preferred language.
- Changes were made to CMS regulations implementing CLAS standards or accommodations for individuals with LEP, and you'd like to review the updates

Resources to Help You Prepare

There are a variety of resources available to help you. You can visit these links to learn about any news or updates available:

- [Think Cultural Health](#)
- [Office of Minority Health \(OMH\)](#)
- [LEP Resources Including Links to Best Practices](#)
- [Federal Interagency Working Group on LEP](#)
- [Getting Help in a Language Other than English](#)

You can also view a very helpful guide from HHS. It's called the [Guide to Providing Effective Communication and Language Assistance Services](#). After looking at these materials, you should feel ready to give the best possible assistance to Yono when she's ready to fill out her application.

Key Points

- CMS regulations implementing CLAS standards and other Federal LEP laws and guidance may apply when you work with consumers with LEP.
- It's recommended that you follow several steps when you prepare to meet with a consumer for the first time to ensure you provide meaningful access to services and accurate information.
- Many useful resources are available to you, and you should learn to use them when assisting consumers through the Marketplaces.

Conclusion

Great job!

You learned about the importance of cultural and linguistic competence when you perform your Assister duties.

You've finished the learning portion of this course.

If you choose to take the exam, the code to access this exam is: 197877.

Resources

Note: There are some references and links to nongovernmental third-party websites in this section. CMS offers these links for informational purposes only, and inclusion of these websites shouldn't be construed as an endorsement of any third-party organization's programs or activities.

Module 2 — Understanding Cultural and Linguistic Competence

National Standards for Culturally and Linguistically Appropriate Services (CLAS) in Health and Health Care: A Blueprint for Advancing and Sustaining CLAS Policy and Practice. Offers information about complying with CLAS standards in the health and health care environment.

[Thinkculturalhealth.hhs.gov/clas/standards](https://thinkculturalhealth.hhs.gov/clas/standards)

HHS Office of Minority Health (OMH): The official HHS OMH website.

[Minorityhealth.hhs.gov/](https://minorityhealth.hhs.gov/)

Module 3 — Understanding Differences between Individuals

Office of Management and Budget: Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity.

[Federalregister.gov/documents/1997/10/30/97-28653/revisions-to-the-standards-for-the-classification-of-federal-data-on-race-and-ethnicity](https://www.federalregister.gov/documents/1997/10/30/97-28653/revisions-to-the-standards-for-the-classification-of-federal-data-on-race-and-ethnicity)

United States Census Bureau: Search tool to find facts and data about communities and geographic areas within the U.S., Puerto Rico, and Island territories.

[Data.census.gov/](https://data.census.gov/)

Culturally and Linguistically Accessible Services (CLAS County Data): Although this guidance was developed for plans and issuers, it may help Navigators identify the predominant language in their county.

[CMS.gov/files/document/clas-county-data-2023.pdf](https://www.cms.gov/files/document/clas-county-data-2023.pdf)

Office for Civil Rights (OCR): How to File a Civil Rights Complaint: Consumers who believe they have been discriminated against on the basis of race, color, national origin, sex, age, disability, or religion may file a complaint with OCR.

[HHS.gov/ocr/complaints/index.html](https://www.hhs.gov/ocr/complaints/index.html)

Office for Civil Rights (OCR) website: Official website of HHS OCR, which contains information about federal laws on discrimination, privacy, and conscience and religious freedom.

[HHS.gov/ocr/index.html](https://www.hhs.gov/ocr/index.html)

Module 4 — Limited English Proficiency Laws and Policies

Providing Effective Communication and Language Assistance webinar:

[CMS.gov/marketplace/technical-assistance-resources/effective-communication-and-language-assistance.pdf](https://www.cms.gov/marketplace/technical-assistance-resources/effective-communication-and-language-assistance.pdf)

Getting Help in a Language Other Than English: A Center for Medicare & Medicaid Services (CMS) document that provides instructions for accessing the Marketplace Call Center in the major languages used in the U.S.

[HHS.gov/ocr/get-help-in-other-languages/index.html](https://www.hhs.gov/ocr/get-help-in-other-languages/index.html)

Think Cultural Health: An HHS website that provides resources and information about serving various consumers, adhering to federal requirements and laws, and understanding cultural differences.

[Thinkculturalhealth.hhs.gov/](https://thinkculturalhealth.hhs.gov/)

Marketplace Call Center: Contact information for the Marketplace Call Center, 24 hours a day, 7 days a week for consumers seeking coverage through the Marketplace.

[Healthcare.gov/contact-us/](https://healthcare.gov/contact-us/)

CuidadoDeSalud.gov: The Spanish counterpart to HealthCare.gov for Spanish-speaking consumers who want to create a Marketplace account and access information about coverage and the Marketplaces.

[Cuidadodesalud.gov/es/](https://cuidadodesalud.gov/es/)

Module 5 — Proving Culturally and Linguistically Appropriate Services

HHS Language Access Plan: Provides information on HHS' language access plan and implementation.

<https://www.cms.gov/about-cms/agency-information/omh/downloads/language-access-plan.pdf>

HHS Office for Civil Rights (OCR) LEP website: A set of resources providing information on federal requirements and best practices when providing services to individuals with LEP.

[HHS.gov/civil-rights/for-individuals/special-topics/limited-english-proficiency/index.html](https://www.hhs.gov/civil-rights/for-individuals/special-topics/limited-english-proficiency/index.html)

Federal Interagency Working Group on LEP: Provides links to federal publications and releases on LEP requirements.

[LEP.gov/](https://www.lep.gov/)

The Guide to Providing Effective Communication and Language Assistance Services: A tool to help provide effective communication and language assistance services, including racial and ethnic minorities, those with LEP, and those who are deaf or hard of hearing.

[HCLSIG.thinkculturalhealth.hhs.gov/](https://hclsig.thinkculturalhealth.hhs.gov/)

FAQ: For Agents, Brokers, and Assistants Providing Consumers with Details on Plan Coverage of Certain Abortion Services.

[CMS.gov/CCIIO/Resources/Fact-Sheets-and-FAQs/Downloads/FAQ-on-Providing-Consumers-with-Details-on-Plan-Coverage-of-Certain-Abortion-Services.pdf](https://www.cms.gov/CCIIO/Resources/Fact-Sheets-and-FAQs/Downloads/FAQ-on-Providing-Consumers-with-Details-on-Plan-Coverage-of-Certain-Abortion-Services.pdf)