

Serving Special Populations: Consumers with Limited English Proficiency

This fact sheet provides information and guidance for Navigators and certified application counselors (CACs) (collectively, assisters) who assist consumers with limited English proficiency (LEP).

Consumers with LEP: Overview

Assisters in Federally-facilitated Marketplaces (FFMs) are encouraged to provide services that are culturally and linguistically appropriate to the consumers they help, including consumers with LEP. The Centers for Medicare & Medicaid Services (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 free of charge for consumers with LEP. Navigators are also required to comply with the Culturally and Linguistically Appropriate Services (CLAS) standards under [45 CFR §155.215\(c\)](#).

To be culturally and linguistically competent, assisters should:

- 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 making referrals or asking for help (e.g., getting interpretation and translation services).
- Acknowledge, respect, and accept cultural differences among consumers.

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What Assisters Need to Know About Providing CLAS to Consumers with LEP

Assisters play an important role in making sure consumers get friendly, objective, culturally appropriate, and impartial help when they're exploring options for health coverage through the Marketplaces. Navigators and CACs have different responsibilities when helping consumers who have LEP.

Navigators in FFM must:

1. Develop and maintain a general understanding of the racial, ethnic, and cultural groups in their service area, including each group's cultural health beliefs and practices, preferred languages, health literacy, and other needs.
2. Collect demographic information about the communities in their service area, such as the primary languages spoken, and keep this information up to date.
3. Help consumers in their preferred language. Navigators must provide:
 - Oral interpretation services and translation of written documents if it's necessary in order to communicate with the consumer effectively or if the consumer requests it.
 - This help must be free of charge to the consumer.
 - A consumer's family or friends may provide oral interpretation for the consumer as an alternative to the Navigator providing translation services only if the consumer requests such family members or friends to interpret in lieu of oral interpretation services offered by the Navigator.
 - Written translation for key documents (e.g., information about how to contact the assister or assister organization with follow-up questions).
 - When helping consumers with LEP, Navigators must give them oral and written notice in their preferred language of their right to receive translation and other language assistance services (i.e., [Getting Help in a Language Other Than English](#)). Navigators must also give guidance on how to obtain these services.
4. Receive ongoing training on how to provide CLAS.
5. Take steps to recruit, support, and promote a staff who share demographic characteristics with the communities they are serving, including hiring staff members who speak the primary languages spoken in their service area.

CACs are encouraged, but not required, to provide translation and other language access services for consumers and are expected to provide appropriate referrals to another assister organization or to the Marketplace Call Center for consumers who need these services.

- CMS expects that if a CAC cannot assist a consumer with LEP, the CAC will refer the consumer to a local Navigator or the Marketplace Call Center.
- Many organizations are required by federal, state, or local laws to provide accessible and appropriate services to the consumers they serve. CACs should check with their organization if they are unsure of their responsibilities.

Marketplace Call Center Language Access Services

When necessary (e.g., when assisting a consumer who requires translation and other language access services that an assister cannot directly provide), assisters can help consumers call the Marketplace Call Center for assistance in over 150 languages. Consumers will first be given the language options of English or Spanish via automated prompt. Consumers who speak a language other than English or Spanish can request to connect to a representative for assistance at any time. The representative will ask the consumer what language they speak.

In addition, consumers can give an assister permission to communicate with the Marketplace Call Center on their behalf. To do so, consumers can explain to a Call Center representative that they permit a specific assister to communicate with the Call Center. This would not be a formal designation of authority to represent the consumer in the consumer's absence.

Finally, consumers can enlist family members to provide language assistance, but only after the consumer has rejected an offer of free language assistance (e.g., a language line operator) and has indicated a preference to rely on help from a family member.

Quick Etiquette Tips

When interacting with or referring to consumers with LEP, assisters **should**:

- Use “people first” language (e.g., “person with LEP” rather than “LEP person”).
- Speak directly to consumers, not to the person accompanying them or a translator, unless requested by the consumer.
- Ask consumers about their goals and priorities.
- Maintain the capacity and accommodations to help consumers understand and compare insurance options, including translation services.
- Be willing to spend extra time and be patient. Because of the complexity of health insurance, assisters may have to repeat information multiple times or in different ways for

the consumers to understand. Assisters may be their only resource for knowledgeable, unbiased information.

When interacting with or referring to consumers with LEP, assisters **should not**:

- Assume a consumer needs translation assistance. Offer assistance if it seems to be needed or if a consumer requests it.
- Make assumptions about what a consumer is capable of understanding.

Assisters should remember that they may need to layer translation with additional accommodations to properly serve consumers.

Additional Resources

Marketplace.cms.gov:

- [Assister Tip Sheet: Dos and Don'ts for Providing Non-discriminatory, Culturally and Linguistically Appropriate Services, and Services Accessible for Consumers with Disabilities in Federally-facilitated and State Partnership Marketplaces](#)
- [Getting Help in a Language Other Than English](#)
- [Providing Effective Communication and Language Assistance](#)
- [Cultural Competence and Language Assistance](#)
- [Serving Vulnerable and Underserved Populations](#)
- [Customer Service Standards and Community Outreach](#)
- [Assister Do's and Don'ts](#)

HHS: [National CLAS Standards](#)

HHS Office for Civil Rights:

- [Section 1557 of the Patient Protection and Affordable Care Act: Nondiscrimination Provision](#)
- [Title VI of the Civil Rights Act of 1964: Discrimination on the Basis of Race, Color, or National Origin \(including LEP\)](#)
- [Limited English Proficiency \(LEP\)](#)
- [Fact Sheet on Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient \(LEP\) Persons](#)

