



Limited English Proficiency Policies

By **Sarah Wilson**, BrownWinick Attorney
wilson@brownwinick.com

Health care providers and other covered entities likely encounter individuals in their practice that are diverse in language, ethnicity, and religion. As communities continue to diversify, it is important for covered entities to understand their legal obligations to populations who may not speak English as a primary language. Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of national origin. This is significant to the health care industry, because it imposes a requirement on covered entities to ensure persons with limited English proficiency are offered language assistance, free of charge, which will afford them meaningful access to health care services. This requirement applies to any health care organization that participates in federal programs, such as Medicare and Medicaid.

This policy may look different from one health care organization to another, but the key is to provide a means for effective communication. The Office for Civil Rights (“OCR”) recommends including four elements to implement an effective Limited English Proficiency (“LEP”) Policy: (1) assessment, (2) development of comprehensive written policy on language access, (3) training of staff, and (4) vigilant monitoring. In addition, depending on the demographics of an organization’s community, some covered entities may fall under a ‘safe harbor’ that lowers the requirement for translation of written materials.

OCR provides an example of an LEP Policy at the following link: [OCR Example Policy](#)

If you have any questions about how this requirement may apply to your health care organization, please contact any BrownWinick attorney in the Health Law Practice Group.

666 Grand Avenue, Suite 2000
Des Moines, IA 50309
515-242-2400
www.brownwinick.com

A Firm Commitment to Business™