

Cultural Competence and Language Assistance



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Course Introduction

Welcome

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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.

Welcome to the course on Cultural Competence and Language Assistance!

I am Neha, and I will be your guide through this training.

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Perception and Impressions

Course Introduction Perception and Impressions

Look at this image for a few seconds. What do you see?

Do you see the gray dots? Are they really there?

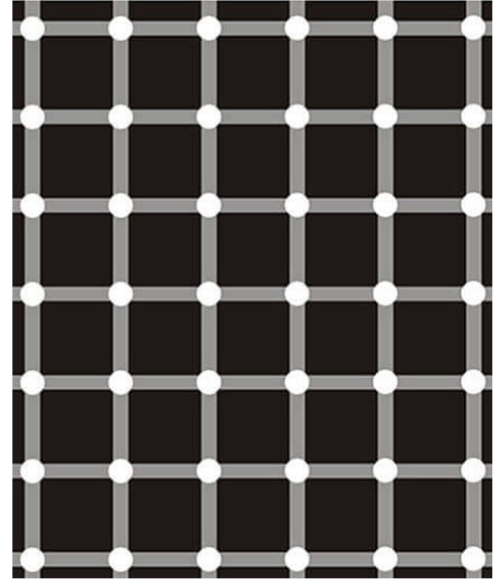
This is an example of how we often interpret things that aren't really there.

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 of the things you might "see" that aren't really 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 (like the gray dots)?



We often interpret things that aren't really there.

- 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 of the things you might "see" that aren't really 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

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If you're a Navigator in an Federally-facilitated Marketplace (FFM), you're responsible for providing fair, accurate, 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 all applicable Federal laws. For example, you're required to follow 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.

Certified application counselors (CACs) in FFMs 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 subject to the requirements of this course or to the FFM Call Center if they aren't able to assist a consumer with LEP.*

Being respectful of and responsive to the health beliefs, practices, and the cultural and linguistic needs of diverse consumers will help you provide optimal assistance to every consumer you help. In this course, you will learn the most appropriate ways to help consumers with different backgrounds understand the coverage options available through the Marketplaces.



Goal:

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



Topics:

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

*As a result, not all standards in this training apply to 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.

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Understanding Cultural and Linguistic Competence

Introduction

Understanding Cultural and Linguistic Competence Introduction

Being respectful of and responsive to the health beliefs, practices, and the cultural and linguistic needs of diverse consumers will help you make sure that you provide appropriate services to every consumer you help.

In this course, you will learn the most appropriate ways to help these diverse 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 the following concepts and accomplish the tasks below them.



Federal Regulatory Standards

Describe six Culturally and Linguistically Appropriate Services (CLAS) standards that Navigators in Federally-facilitated Marketplaces (FFMs) 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

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Federal Regulatory Standards Applicable to Assisters

Understanding Cultural and Linguistic Competence Federal Regulatory Standards Applicable to Assisters

CMS regulations at 45 CFR 155.215(c) require Navigators in FFMs to follow six steps consistent with National CLAS standards. Their application to various assister types will be discussed throughout this course.

Note: These CMS regulations don't apply to certified application counselors (CACs) in FFMs.

Select each step to learn more.



Step 1:

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

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Step 1:

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

Step 2:

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

Step 3:

Providing oral and written notice to consumers with limited English proficiency (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 request the use of family or friends as a preferred alternative to that offer. For consumers requesting to use family or friends as oral interpreters, the National CLAS standards state you should ensure the competence of the individual providing language assistance and avoid using unqualified individuals or minors as interpreters.

Step 5:

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

Step 6:

Implementing strategies to recruit support and promote a staff that's representative of the demographic characteristics, including primary spoken languages, of the communities in your service area.

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 CLAS standards set forth in CMS regulations, 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

[Definition Source](#)

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Identification of Culture

Understanding Cultural and Linguistic Competence Identification of Culture

It's important to take a consumer's culture into account when providing assistance, yet culture may be difficult to determine for each individual. Additionally, some beliefs or characteristics of a consumer may not be specific to their culture but are still entitled to legal protections discussed under the section Overview of Laws Protecting Consumer Groups.

To better understand consumers' cultures, consider, but don't make assumptions, based on their:

<ul style="list-style-type: none">• Age• Color• Education level• Ethnicity• Disability• Family structure• Sex• Sexual Orientation• Gender Identity• Health practices• Language and dialect	<ul style="list-style-type: none">• National origin• Occupation• Perspective on diet and nutrition• Perspective on family and community• Physical ability and limitations• Political beliefs• Race• Moral values and convictions• Religious beliefs and practices• Socioeconomic status
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- Religious beliefs and practices
- Socioeconomic status

Definition of Linguistics

Understanding Cultural and Linguistic Competence Definition of Linguistics



Remember, Navigators in FFMs are required to follow CLAS standards set forth in CMS regulations at 45 CFR 155.215(c).

Since you will work with consumers who are culturally diverse, you should also be able to recognize linguistic barriers they might face when discussing health coverage options. **Linguistic** refers to language. Effective use of language is important to understanding consumers' needs and to making sure consumers understand you.

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 should locate 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.

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Knowledge Check

Understanding Cultural and Linguistic Competence Knowledge Check

You work for an organization with an office in a rural area where the population includes religious missionaries from other countries. Consumers in the area speak nine languages in addition to English and Spanish. You want to be ready to serve this population effectively by making consumers feel comfortable and well informed about their choices. How do you prepare to best serve this population? Select the two correct answers and then select **Check Your Answer**.

- A. Research the languages spoken in this community and locate language assistance services, including interpretation and translation services at no charge to the customer with limited English proficiency.
- B. Provide materials in English because consumers who live in the U.S. should be able to read the English language.
- C. Be sure your office has materials in the languages spoken in this community.
- D. Offer language services in English and Spanish, the most common foreign language in the U.S.; other consumers should bring family members to interpret.



Check Your Answer



Correct!

Research the languages spoken in the community and locate language assistance services, including both interpretation and translation services. Ensure the individuals providing language assistance are qualified to do so and avoid the use of unqualified individuals, including family members and minors, as interpreters. Be sure your center has materials available in the languages spoken in the community.

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Cultural and Linguistic Competence

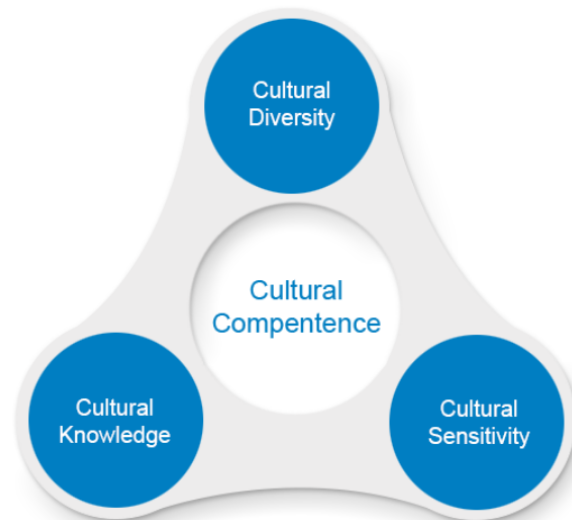
Understanding Cultural and Linguistic Competence Cultural and Linguistic Competence

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 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.



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Why It's Important

Understanding Cultural and Linguistic Competence Why It's Important

Cultural beliefs can affect how consumers think about their health, their bodies, and the health care coverage and services they need.

Understanding and respecting specific cultural backgrounds will help you assist consumers in choosing appropriate coverage.

For example, some American Indians and Alaska Natives (AI/ANs) may believe health and wellness aren't just about the physical body; they are closely related to spirituality and how they behave toward one another. This belief differs from Western medicine, which generally focuses on treating only the physical symptoms of an illness.



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Knowledge Check


Understanding Cultural and Linguistic Competence Knowledge Check

Which of the statements below are true about cultural and linguistic competence? Select the two correct answers and then select **Check Your Answer**.

- A. Linguistic competence is the ability to speak all languages that consumers speak in your service area.
- B. Being culturally competent means that when you're working with different cultures, what you do is more important than how you do it.
- C. Linguistic competence is the ability to speak consumers' preferred languages or offer language assistance services when needed.
- D. Cultural competence means being able to identify, respect, and understand differences in cultural beliefs, behaviors, and needs of consumers.



 **Check Your Answer**

 **Correct!** 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.

Which of the statements below are true about 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.

Put Yourself in the Consumer's Shoes and Avoid Bias

Understanding Cultural and Linguistic Competence Put Yourself in the Consumer's Shoes and Avoid Bias



Is the advice or information I'm providing useful to a consumer who may have a completely different culture, belief system, or language than my own?

As the U.S. population becomes more racially and ethnically diverse, it's important to consider the different languages and cultural traits that influence consumers' health care decisions.

A first step toward developing cultural competence is to examine your own health-related values, and then make sure what you believe doesn't affect how you respond to consumers' beliefs. As much as possible, think about how you'd feel or respond if you were the consumer.

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A Culturally and Linguistically Competent Approach

Understanding Cultural and Linguistic Competence A Culturally and Linguistically Competent Approach

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

- Come from a country with a different (or minimal) health care system.
- Lack awareness about coverage available through the FFMs.
- You hope to build trust with so you can help them find coverage that fits their budgets and specific needs.

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

- Have an appropriate understanding of the Marketplaces.
- Make timely and informed decisions about health coverage.

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



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Knowledge Check

Understanding Cultural and Linguistic Competence Knowledge Check

Which of the following statements help explain how culture relates to helping consumers with their health coverage options? Select the three correct answers and then select **Check Your Answer**.

- A. Consumers from culturally and ethnically diverse groups may base their thoughts and feelings about their health and bodies on their cultural beliefs, which could affect how they feel about mandatory health care coverage and the services that might benefit them.
- B. Racially and ethnically diverse communities are dwindling in the U.S., so the need to understand different languages and cultural traits is decreasing.
- C. Some consumers' cultural beliefs about health and wellness may differ from your beliefs and could influence the consumers to make coverage choices you may question.
- D. It's important for you to examine and understand your own health-related values, and then make sure what you believe doesn't affect how you respond to consumers' beliefs.



Check Your Answer



Correct!

Cultural beliefs can affect how consumers think about their health, their bodies, and the coverage and services they need. A first step toward developing cultural competence is to examine your own health-related values, and then make sure what you believe doesn't affect how you respond to consumers' beliefs. As racial and ethnic communities continue to grow in the U.S., it is important to consider the different languages and cultural traits that influence consumers' health care decisions.

How does culture relate to helping consumers with their health coverage options?

Answer: Cultural beliefs can affect how consumers think about their health, their bodies, and the health care coverage and services they need. A first step toward developing cultural competence is to examine your own health-related values, and then make sure what you believe doesn't affect how you respond to consumers' beliefs. As racial and ethnic communities continue to grow in the U.S., it is important to consider the different languages and cultural traits that influence consumers' health care decisions.

Key Points

Understanding Cultural and Linguistic Competence Key Points



- Culture affects the way groups of 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.
- 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.

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- Cultural and linguistic competence involves the ability to understand and respond effectively to consumers' cultural and linguistic needs.
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Understanding the Diversity of Consumer Groups

Introduction

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Consumers can be different from one another in many ways, including race, color, national origin, disability, age, sex, sexual orientation, gender identity, religion, and other aspects of culture. This training will help you learn about different consumer groups so you can provide friendly, objective, and impartial customer service. By the end of this module, you should be able to understand the following concepts and accomplish the tasks below them.



Consumer Groups

Identify major diverse consumer 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

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Overview of the Major Consumer Groups: Race, Color, and National Origin

Understanding the Diversity of Consumer Groups

Overview of the Major Consumer Groups: Race, Color, and National Origin

Respecting consumers' racial and ethnic differences can help you understand their unique needs when you help them choose and access coverage.

The Federal Government defines the major racial and ethnic groups in the U.S. as:

- **Black, not of Hispanic origin:** A person having origins in any of the Black racial groups of Africa.
- **Hispanic:** 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 America who maintains cultural identification to tribal affiliation or community recognition.
- **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](https://www.census.gov/) website.



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Overview of Laws Protecting Major Consumer Groups

Understanding the Diversity of Consumer Groups Overview of Laws Protecting Major Consumer Groups

It is important to recognize and be sensitive to consumer differences based on race, color, national origin (including limited English proficiency (LEP)), disability, age, sex (including sexual orientation and gender identity), and religion. Certain laws protect consumers in these groups that you may encounter when performing your assister duties.

- [Section 1557 of the Affordable Care Act \(ACA\)](#) prohibits discrimination on the grounds of race, color, national origin (including LEP), sex (including sexual orientation and gender identity), age, or disability in covered programs and activities.
- Title VI of the Civil Rights Act of 1964 and Section 1557 prohibit discrimination on the basis of race, color, or national origin.
- The Americans with Disabilities Act of 1990 (ADA), Section 1557, Section 504 of the Rehabilitation Act of 1973, and other laws protect consumers against discrimination based on disability.
- The Age Discrimination Act of 1975, Section 1557, and other laws protect consumers against age discrimination.
- Title IX of the Education Amendments of 1972, Section 1557, and other laws protect consumers against sex discrimination (including sexual orientation and gender identity).
- Multiple laws protect consumers against religious discrimination and protect the free exercise of religion, including the Religious Freedom Restoration Act of 1993.
- Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government signed on January 20, 2021, sets forth the Biden-Harris Administration's policy to advance equity for all individuals, including individuals who belong to underserved communities.
- Federal regulations at 45 CFR 155.120, which prohibits the Marketplaces from discriminating against consumers because of their race, color, national origin, disability, age, or sex.

For more information on these topics, visit [the HHS Office for Civil Rights \(OCR\) website](#)

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Policy Updates

The Department of Health and Human Services (HHS) interprets and enforces Section 1557's prohibition on discrimination on the basis of sex to include: (1) discrimination on the basis of sexual orientation; and (2) discrimination on the basis of gender identity, consistent with Title IX of the Education Amendments of 1972 and the Supreme Court's decision in *Bostock v. Clayton County, GA* (140 S. Ct 1731 (2020)). A court has set aside HHS's inclusion of sexual orientation and gender identity under Section 1557, as applied to certain healthcare providers. That decision is on appeal by the agency. See *Neese v. Becerra*, 2:21-CV-163-Z (N.D. Tex.), *appeal*

pending No. 23-10078 (5th Cir.). Please consult with counsel if you have questions on whether a healthcare provider is covered by the decision.

On August 4, 2022, HHS issued a Notice of Proposed Rulemaking on Section 1557 to revise the 2020 Final Rule by proposing to reinstate robust regulatory protections from discrimination on the basis of race, color, national origin (including LEP), sex (including sexual orientation and gender identity), age, or disability in covered health programs and activities.

Assister Duties under Section 1557

Understanding the Diversity of Consumer Groups Assister Duties under Section 1557

Section 1557 of the ACA

The HHS OCR Final Rule implementing Section 1557 of the ACA (45 CFR Part 92) applies to:

1. Any health program or activity, any part of which receives Federal financial assistance (FFA) provided by HHS;
2. Programs and activities administered by the HHS under Title I of the ACA; and
3. Programs and activities administered by an entity established under Title I of the ACA, like an Federally-facilitated Marketplaces (FFMs) or State-based Marketplace (SBM).

Under Section 1557 of the ACA:

- Navigators must take reasonable steps to ensure meaningful access by consumers with LEP. This could include providing written and/or oral language assistance services through qualified interpreters. Language assistance services must be provided free of charge, be accurate and timely, and protect the privacy and independence of the individual with LEP.
- Navigators must also take appropriate steps to ensure effective communication for individuals with disabilities. This may include providing appropriate auxiliary aids and services to individuals who are deaf, hard of hearing, blind, have low vision, speech disabilities, or who have cognitive or intellectual disabilities. When interpreters are provided, they must meet certain requirements and be provided free of charge and in a timely manner.
- Certified application counselors (CACs) 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, as long as 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, like Navigators or other CACs who can provide assistance.

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Knowledge Check

Understanding the Diversity of Consumer Groups Knowledge Check

Aisha, 21 years old, was born abroad and is now a U.S. citizen. She's meeting with you to learn about health coverage through the FFM in her state. She's very interested in options for people with disabilities because she uses a wheelchair. Which of the following is a culturally appropriate way to assist her? Select the correct answer and then select **Check Your Answer**.

- A. You prepare visual aids to help Aisha remember your conversation because you're concerned that Aisha may not speak or understand English well.
- B. You ask Aisha to return with a parent or guardian who can help her better understand coverage information next time to make sure that your assistance takes into account Aisha's culture.
- C. You assume her disability was a result of improper care abroad and explain to Aisha that, because she was born abroad, she won't be able to get coverage through the FFM.
- D. You treat Aisha with the same respect that you offer all consumers by offering her complete and accurate information about coverage through the FFM.



✓ Check Your Answer



Correct!

It's not appropriate to assume that Aisha doesn't speak English due to her national origin. Likewise, it's inappropriate to assume her age or disability will impact her ability to understand coverage information. Finally, Aisha is a U.S. citizen, and her national origin doesn't affect her eligibility for coverage. It's important to treat all consumers with respect and offer complete and accurate information on coverage, and to provide language assistance services and/or auxiliary aids and services as necessary to ensure meaningful access and effective communication.

Aisha, 21 years old, was born abroad and is now a U.S. citizen. She's meeting with you to learn about health coverage through the FFM in her state. She's very interested in options for people with disabilities because she uses a wheelchair. Which of the following is a culturally appropriate way to assist her?

Answer: It's not appropriate to assume that Aisha does not speak English due to her national origin. Likewise, it's inappropriate to assume her age or disability will impact her ability to understand coverage information. Finally, Aisha is a U.S. citizen, and her national origin doesn't affect her eligibility for coverage. It's important to treat all consumers with respect and offer complete and accurate information on coverage, and to provide language assistance services and/or auxiliary aids and services as necessary to ensure meaningful access and effective communication.

Sexual Orientation and Gender Identity

Understanding the Diversity of Consumer Groups Sexual Orientation and Gender Identity

Being sensitive to the sexual orientation and gender identity of consumers helps you understand their unique needs and ability to access coverage.

Six of the main sexual orientation and gender identity groups are:

Lesbian: A woman who is emotionally, romantically, or sexually attracted to other women.

Gay: A person who is emotionally, romantically, or sexually attracted to members of the same gender.

Bi-sexual: A person emotionally, romantically, or sexually attracted to more than one sex, gender, or gender identity, though not necessarily simultaneously, in the same way, or to the same degree.

Transgender: An umbrella term for people whose gender identity and/or expression is different from cultural expectations based on the sex they were assigned at birth. Being transgender doesn't imply any specific sexual orientation. Therefore, transgender people may identify as straight, gay, lesbian, bi-sexual, etc.

Queer: An umbrella term used to refer to the entire LGBTQI+ community.

Intersex: Persons with variations in physical sex characteristics, including variations in anatomy, hormones, chromosomes, or other traits that differ from expectations generally associated with male and female bodies.



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Intersex: Persons with variations in physical sex characteristics, including variations in anatomy, hormones, chromosomes, or other traits that differ from expectations generally associated with male and female bodies.

Laws and Regulations Protecting LGBTQI+ Consumers

Understanding the Diversity of Consumer Groups Laws and Regulations Protecting LGBTQI+ Consumers

You aren't permitted to discriminate against consumers because of their gender identity or sexual orientation as set forth in Section 1557 of the ACA.

HHS interprets and enforces Section 1557's prohibition on discrimination on the basis of sex to include: (1) discrimination on the basis of sexual orientation; and (2) discrimination on the basis of gender identity, consistent with Title IX of the Education Amendments of 1972 and the Supreme Court's decision in *Bostock v. Clayton County, GA* (140 S.Ct 1731 (2020)). A court has set aside HHS's inclusion of sexual orientation and gender identity under Section 1557, as applied to certain healthcare providers. That decision is on appeal by the agency. See *Neese v. Becerra*, 2:21-CV-163-Z (N.D. Tex.), *appeal pending* No. 23-10078 (5th Cir.). Please consult with counsel if you have questions on whether a healthcare provider is covered by the decision.

Visit [HHS.gov/programs/topic-sites/lgbtqi/index.html](https://www.hhs.gov/programs/topic-sites/lgbtqi/index.html) to learn about legal protections for lesbian, gay, bisexual, and transgender (LGBTQI+) consumers.

These protections are very important because LGBTQI+ consumers have historically faced discrimination in accessing health care and coverage. If consumers fear you won't treat them equally and respectfully, they may withhold critical information necessary to help them select appropriate coverage or they may not enroll in needed coverage at all.

The eligibility rules with respect to the premium tax credit treat same-sex spouses in the same manner as opposite-sex spouses.

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Cultural Beliefs May Affect Consumers' Health Preferences

Understanding the Diversity of Consumer Groups Cultural Beliefs May Affect Consumers' Health Preferences

Cultural beliefs may affect the type of medical treatments or practices a consumer prefers.

For example, cultural beliefs may affect whether consumers use Western medical practices when they're sick. Different cultural groups, including some minority and immigrant groups, may prefer folk or traditional treatments. Consumers can come from very different cultures, and all consumers are unique in their preferences.

Folk or traditional treatments are defined as medicine practiced by someone other than a doctor or other formally trained health professional, especially by people isolated from modern medical services and usually involving the use of plant-based remedies.



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Knowledge Check


Understanding the Diversity of Consumer Groups Knowledge Check

Osman, a consumer from Eritrea, tells you he doesn't think he needs health coverage, as he has always relied on the traditional healing practices in his country. How should you advise Osman? Select the correct answer and then select **Check Your Answer**.

- A. Osman may believe that only Eritreans understand his health coverage needs. You tell him that, unfortunately, your office doesn't have an Eritrean employee, but he should feel free to bring in a friend or family member who can help him explain his views.
- B. Osman may not understand English well and what coverage means for him and his family. You offer Osman an interpreter to assist him.
- C. Osman may believe in Eritrean traditional healing. You respect his beliefs. You also explain that coverage can help prevent serious illness and avoid major emergency room expenses. You also explain that all individuals in the U.S. are required to have coverage, with certain exceptions, though there is no financial penalty for not having coverage.



✓ Check Your Answer

 **Correct!** Osman may believe in the traditional healing practices in Eritrea. You should help Osman understand some of the consequences that he could face without coverage, like serious illness because of a late diagnosis and expensive emergency room bills. You should also explain that all individuals in the U.S. are required to maintain minimum essential coverage, with certain exceptions, though there is no financial penalty for not having coverage. It's important not to simply assume that consumers with racial or ethnic backgrounds associated with non-English languages don't speak or understand English well.

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Examples of Discrimination

Understanding the Diversity of Consumer Groups Examples of Discrimination

You should be mindful of discrimination in your work to make sure that your actions don't deter, delay, or prevent any consumers from applying for coverage.

Examples of discrimination could include:	You can help prevent and remedy discrimination by:
<ul style="list-style-type: none"> Refusing to provide assistance, providing inadequate assistance, or communicating with consumers in a way that treats them in an inferior manner because of their race, color, national origin, language, disability, age, sex (including sexual orientation and gender identity), or religion. Creating a hostile environment for consumers through harassment. Refusing to provide appropriate language assistance services when necessary to ensure meaningful access by persons with LEP or auxiliary aids and services requested by persons with disabilities, like translation or sign-language interpretation services. Neglecting to tailor and conduct appropriate outreach and education activities in your organization's service area. Requesting immigration-related documents that aren't required for enrollment, which may deter eligible consumers from applying. 	<ul style="list-style-type: none"> Identifying and supporting staff who have special expertise or experience working with the diverse groups represented in the area you serve. Identifying an individual in your organization directly accountable to leadership to oversee organizational efforts to promote diversity and provide nondiscriminatory assistance to consumers. Developing clear mechanisms for consumers to report discrimination or disrespectful treatment. Explaining to consumers who think their rights have been violated how to file a complaint with the Office for Civil Rights (OCR). Implementing disciplinary processes in your organization that address intimidating, disrespectful, and discriminatory behavior.

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Knowledge Check

Understanding the Diversity of Consumer Groups Knowledge Check

Marina and her female partner, Joyce, are meeting with Tatiana, a Navigator colleague you've been training. While observing Tatiana, you notice that she appears uncomfortable and isn't providing complete and accurate information. Given the way she's interacting with the consumers, you begin to worry that Tatiana may have some biases against Marina and Joyce who are a same-sex couple. Which of the following indicators suggests Tatiana is discriminating against Marina and Joyce? Select the correct answer and then select **Check Your Answer**.



- A. Tatiana is refusing to provide service when Marina and Joyce explain that they are same-sex partners.
- B. Tatiana asks whether Marina and Joyce need any assistance services, like interpretation or translation services.
- C. Tatiana asks Marina and Joyce whether they'd like to provide the Marketplace with optional information about their ethnicity and race.
- D. Tatiana doesn't offer to shake hands with Marina and Joyce at the end of their meeting because she has a cold.

✓ Check Your Answer



Correct!

If Tatiana is refusing to provide service due to Marina and Joyce's sexual orientation, she's treating them differently than other consumers. This is discriminatory behavior under Section 1557 of the ACA. Section 1557 prohibits Navigators from treating consumers differently based on their disability, race, color, national origin (including limited English proficiency), sex (including sexual orientation and gender identity), and age. It's not inappropriate for Tatiana to ask consumers whether they need assistance services or to give consumers an opportunity to choose whether to answer optional Marketplace questions. Tatiana can choose not to shake consumers' hands if she has a cold and doesn't want to spread germs, but she should make sure to treat everyone equally.

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Answer: If Tatiana is refusing to provide service due to Marina and Joyce's sexual orientation, she's treating them differently than other consumers, which is discriminatory behavior under Section 1557 of the ACA. Section 1557 prohibits Navigators from treating consumers differently based on their disability, race, color, national origin (including limited English proficiency), sex (including sexual orientation and gender identity), and age. It's not inappropriate for Tatiana to ask consumers whether they need assistance services or to give consumers an opportunity to choose whether to answer optional Marketplace questions. Tatiana can choose not to shake consumers' hands if she has a cold and doesn't want to spread germs, but she should make sure to treat everyone equally.

Avoiding Stereotypes

Understanding the Diversity of Consumer Groups Avoiding Stereotypes

In your work, you should be conscious of stereotypes and avoid them. 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.



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What You Should Know to Avoid Stereotypes

Understanding the Diversity of Consumer Groups 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 specific cultures, be sure to ask questions—when appropriate—to learn about the specific characteristics of each consumer. You should also become familiar with your own biases and how they may affect the service you provide.

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Key Points

Understanding the Diversity of Consumer Groups Key Points



- You aren't permitted to discriminate against consumers because of their race, color, national origin, disability, age, or sex under requirements set forth in 45 CFR 155.120.
- Each of these cultural factors can affect how consumers think about health and the coverage choices they make.
- All consumers are different, and you should avoid stereotyping.

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CMS CLAS Regulations and Limited English Proficiency Laws and Policies

Introduction

CMS CLAS Regulations and Limited English Proficiency Laws and Policies Introduction

Centers for Medicare & Medicaid Services (CMS) regulations at 45 CFR 155.215(c) set forth the Culturally and Linguistically Appropriate Services (CLAS) standards that apply to Navigators in Federally-facilitated Marketplaces (FFMs). These regulations address the importance of cultural and linguistic understanding and awareness. By the end of this module, you should be able to understand the following concepts and accomplish the tasks below them.



CMS CLAS & LEP Standards

Recognize applicable CMS CLAS standards when serving consumers, including consumers with limited English proficiency (LEP)



Consumer Assistance

Explain how CMS CLAS standards relate to the consumer assistance that you provide



Implementation

Describe ways that you and your organization can implement CMS CLAS standards and a LEP assessment

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Recognize applicable CMS CLAS standards when serving consumers, including consumers with limited English proficiency (LEP)

Consumer Assistance

Explain how CMS CLAS standards relate to the consumer assistance that you provide

Implementation

Describe ways that you and your organization can implement CMS CLAS standards and a LEP assessment

Purpose

CMS CLAS Regulations and Limited English Proficiency Laws and Policies Purpose



Culturally and linguistically diverse groups include consumers with 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.
- People who communicate through American Sign Language (ASL).
- People with different socioeconomic statuses.
- Religious minorities.

These groups may have a more difficult time getting health care, may get a lower quality of care, and may have poorer health than the general population. To help overcome 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 individual needs of all consumers. CMS encourages all entities providing Marketplace outreach and enrollment assistance to refer to OMH National CLAS Standards as a resource when implementing CMS CLAS standards.

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Importance of the CMS CLAS Standards

CMS CLAS Regulations and Limited English Proficiency Laws and Policies Importance of the CMS CLAS Standards

There are many reasons why CMS regulations implementing CLAS standards for assisters are important. They require you to:

- Help consumers from diverse racial, ethnic, and cultural backgrounds, access health coverage that's equal to the level of coverage other consumers receive.
- Offer consumers a greater chance to get equal access to coverage, which decreases the likelihood of consumer complaints.
- Comply with applicable laws and regulations.

When consumers don't get services that meet these guidelines, they may not get coverage that suits their needs. This affects their quality of life, which in turn affects neighborhoods, communities, and public health in general.

NATIONAL CULTURALLY AND LINGUISTICALLY APPROPRIATE SERVICES STANDARDS

The National CLAS Standards are intended to advance health equity, improve quality, and help eliminate health care disparities by establishing a blueprint for health and health care organizations to:

Principal Standard

1. Provide effective, equitable, understandable, and respectful quality care and services that are responsive to diverse cultural health beliefs and practices, preferred languages, health literacy, and other communication needs.

Governance, Leadership and Workforce

2. Advance and sustain organizational governance and leadership that promotes CLAS and health equity through policy, practices, and allocated resources.
3. Recruit, promote, and support a culturally and linguistically diverse governance, leadership, and workforce that are responsive to the population in the service area.
4. Educate and train governance, leadership, and workforce in culturally and linguistically appropriate policies and practices on an ongoing basis.

Communication and Language Assistance

5. Offer language assistance to individuals who have limited English proficiency and/or other communication needs, at no cost to them, to facilitate timely access to all health care and services.
6. Inform all individuals of the availability of language assistance services clearly and in their preferred language, verbally and in writing.
7. Ensure the competence of individuals providing language assistance, recognizing that the use of untrained individuals and/or minors as interpreters should be avoided.
8. Provide easy-to-understand print and multimedia materials and signage in the languages commonly used by the populations in the service area.

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Knowledge Check

CMS CLAS Regulations and Limited English Proficiency Laws and Policies 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. Which of the activities below corresponds with standards you're required to follow to help your organization better serve the needs of Elice and his community members? Select the three correct answers and then select **Check Your Answer**.

- A. Receiving ongoing education and training in CLAS delivery.
- B. Assisting consumers in their preferred language at no cost, including oral interpretation and written translation when necessary or when requested by the consumer.
- C. Developing and maintaining general knowledge about the racial, ethnic, and cultural groups in your service area, including their diverse cultural health beliefs and practices, preferred languages, health literacy, and other needs.
- D. Distributing surveys to local consumer groups to collect and evaluate feedback on the service they received from your organization.

Check Your Answer



Correct!

The CMS 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.

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Introduction to LEP



Increasingly, more people in the U.S. speak languages other than English. If the organization you work for receives Federal financial assistance (FFA), you're prohibited by law from discriminating against consumers based on their national origin. Accordingly, recipients of FFA are required to take reasonable steps to ensure meaningful access to their programs and services by persons with LEP. Individuals who don't speak English as their primary language and who have a limited ability to read, write, speak, or understand English may be limited English proficient and may be eligible to receive language assistance at no cost with respect to a particular type of service, benefit, or encounter. If a recipient doesn't provide language assistance services to LEP customers, and such practice or policy results in a delay or denial of services, the recipient of FFA might be violating federal laws that prohibit national origin discrimination.

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

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LEP Guidance and Standards

CMS CLAS Regulations and Limited English Proficiency Laws and Policies LEP Guidance and Standards

Certain laws and regulations require recipients of FFA to take reasonable steps to ensure meaningful access by persons with LEP, which can include providing linguistically appropriate services to consumers with LEP, like providing translation and oral interpretation services by qualified persons free of charge to customers.

Select each to learn more.

CMS Marketplace regulations	Section 1557 of the Affordable Care Act (ACA)	Title VI of the Civil Rights Act of 1964	Additional LEP Guidance
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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 Title 45 of the 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 LEP consumers.

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Section 1557 of the Affordable Care Act (ACA)

Remember, this nondiscrimination provision applies to:

- Health programs and activities, any part of which receives FFA provided by HHS;
- Programs and activities administered by HHS under Title I of the ACA; and
- Programs and activities administered by an entity established under Title I of the ACA, like an FFM or SBM.

Section 1557 of the ACA and its implementing regulation requires that Navigators in all Marketplaces must take reasonable steps to ensure meaningful access to their programs and activities by individuals with LEP. Section 1557 of the ACA extends the enforcement mechanisms of Title VI of the Civil Rights Act of 1964 to all Marketplaces, including FFMs.

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 that doesn't provide language assistance services to LEP customers, and such practice or policy results in a delay or denial of services to persons with LEP, might be violating the Title VI and Section 1557 prohibition against national origin discrimination. Recipients should adopt policies and practices that make sure language assistance services are provided to consumers with LEP when necessary to ensure meaningful access to their programs and activities.

Recipients should adopt policies and practices that make sure language assistance services are provided to consumers with LEP when necessary to ensure meaningful access to their programs and activities.

Additional LEP Guidance

- HHS LEP guidance provides a framework for recipients of federal funding to determine how best to comply with statutory and regulatory LEP obligations.
- Section 1557 of the ACA and its implementing regulation requires that Navigators in all Marketplaces must take reasonable steps to ensure meaningful access to their programs and activities by individuals with LEP. Section 1557 of the ACA extends the enforcement mechanisms of Title VI of the Civil Rights Act of 1964 to all Marketplaces, including FFMs.
- State and local regulations may require additional measures in your service area. It's your responsibility to be aware of and follow all applicable state and local laws and regulations when you provide assistance related to the Marketplaces, unless those laws and regulations would prevent the application of the provisions of Title I of the ACA.

Phase One: Assessment

When determining how to provide services for consumers with LEP, you should begin with an assessment to review your situation and determine how you can balance the following factors:

- The laws and regulations that apply to you
- The number or proportion of consumers with LEP eligible to be served or likely to be encountered in your service area
- The frequency with which LEP consumers come in contact with your health program, activity or service
- The nature and importance of your health program, activity or service
- The resources available to you and costs

There's no one-size-fits-all solution but considering these factors will help you determine the appropriate language assistance services for consumers with LEP in your service area.

When your organization has taken all reasonable steps to assist consumers with LEP, you may still need to refer them to other FFM resources. Available resources include already 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 assisters that can 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 make sure that you're complying with any applicable program requirements related to language assistance services.

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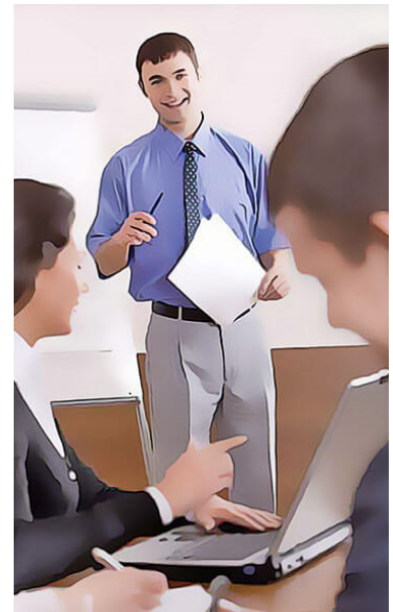
Phase Two: LEP Plan

CMS CLAS Regulations and Limited English Proficiency Laws and Policies Phase Two: LEP Plan

After you've assessed your situation, you or your organization should develop a plan of action, or LEP plan, as a best practice for providing language assistance services consistent with applicable laws and regulations. This plan need not be intricate in all situations but should adequately address the language access needs of the community being served, including how translation and interpretation services will be provided by qualified individuals at no cost to the customer.

If you're the person responsible for developing your organization's LEP plan, one way to develop this plan is to follow the steps below:

1. **Identify consumers with LEP who need language assistance:** Review local education and population data and language maps in your area.
2. **Determine how you'll provide language assistance at no cost to consumers with LEP:** Include a description of the laws and regulations that apply to you, the types of language assistance services available, how staff can access them, how to respond to consumers with LEP, and how to use appropriate interpretation and translation services, including best practices for using taglines.
3. **Train staff:** Identify staff who need to be trained on the LEP plan, develop a process for training them, and track training results.
4. **Inform consumers with LEP about language services:** Provide information in plain language and in the non-English languages prevalent in your area through all forms of media, including online, television, or social media, and through targeted outreach to community and faith-based organizations that can reach individuals with LEP. Be sure to let LEP consumers know that language assistance services are provided at no cost to them.
5. **Regularly monitor and update the LEP plan:** Record any changes in the number of consumers with LEP in your area by language, figure out how often you assist consumers with LEP, evaluate resources and budget for the provision of cost-effective language access services, reach out to stakeholder communities for feedback, and regularly update your plan to meet the needs of consumers with LEP.



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Knowledge Check

CMS CLAS Regulations and Limited English Proficiency Laws and Policies Knowledge Check

Many consumers in your community are immigrants from countries in Asia and have LEP. You don't speak the foreign languages of this community, and you know very little about Asian cultures. You need to be able to provide language services to these consumers and you want to be sensitive to their cultural differences. Below are steps you should take to meet the cultural and linguistic needs of these consumers. Which item is **not** one of the recommended steps? Select the correct answer and then select **Check Your Answer**.

- A. Conduct an individualized assessment to determine the LEP needs, costs, and available resources in your service area.
- B. Determine the appropriate mix of LEP services to meet the needs of consumers in your service area, including but not limited to: (1) notifying consumers about the availability of LEP services and (2) providing oral interpretation and written translation in consumers' preferred language(s) in your service area.
- C. Recruit, train, and support staff who are representative of the languages spoken in your service area and able to carry out the services described in your LEP plan.
- D. Identify an organization that's more familiar with the immigrant populations in your community and always refer all consumers from those groups to that organization.



✓ Check Your Answer



Correct!

You should conduct an individualized assessment to determine your LEP needs and develop plans for how you'll provide language assistance services at no cost to consumers with LEP. Once you have identified your LEP needs, you can recruit, train, and support staff who speak the foreign languages found in the community. While establishing contacts with organizations familiar with consumers with certain cultures could be a good idea, it's not appropriate to simply refer all consumers from those cultures to other organizations.

Many consumers in your community are immigrants from countries in Asia and have LEP. You don't speak the foreign languages of this community, and you know very little about Asian cultures. You need to be able to provide language services to these consumers and you want to be sensitive to their cultural differences. There are many steps you should take to meet the cultural and linguistic needs of these consumers. What are some of the recommended steps you should take?

Answer: You should conduct an individualized assessment to determine your LEP needs and develop plans for how you'll provide language assistance services at no cost to consumers with LEP. Once you have identified your LEP needs, you can recruit, train, and support staff who speak the foreign languages found in the community. While establishing contacts with organizations familiar with consumers with certain cultures could be a good idea, it's not appropriate to simply refer all consumers from those cultures to other organizations.

Implementation: Helpful Tips

CMS CLAS Regulations and Limited English Proficiency Laws and Policies Implementation: Helpful Tips

Select each graphic below for some helpful implementation tips.

LEP Services	Implementing CLAS Standards
<p>While different LEP services will best meet the needs of different consumers, here are some helpful tips:</p> <ul style="list-style-type: none">• Apply a "LEP lens" in decision making to begin any action (e.g., budgeting, information technology, marketing, and data collection) to appropriately address the needs of consumers with LEP.• Assess consumers with LEP through 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.• Tell consumers about laws and policies that protect them against unfair treatment (e.g., post applicable nondiscrimination laws and policies in registration, waiting, or other high-traffic areas).• Engage with local community-based groups to learn more about the different cultural and linguistic communities you are serving.• Check official FFM resources like HealthCare.gov or CuidadoDeSalud.gov to identify if materials are already translated.	

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- Assess consumers with LEP through 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.
- Tell consumers about laws and policies that protect them against unfair treatment (e.g., post applicable nondiscrimination laws and policies in registration, waiting, or other high-traffic areas).
- Engage with local community-based groups to learn more about the different cultural and linguistic communities you are serving.
- Check official FFM resources like HealthCare.gov or CuidadoDeSalud.gov to identify if materials are already translated.

Additional helpful tips for implementing CMS CLAS standards include:

- Involving community members as you develop materials that meet CMS CLAS standards.
- Using newsletters, ethnic media outlets, the Internet, and other ways to let your community know about your organization's activities that satisfy CMS 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 everything they may need to know about serving consumers with LEP (e.g., LEP policies, procedures, and instructions on how to access oral interpretation services).
- Create conflict and grievance resolution processes that are culturally and linguistically appropriate to identify, prevent, and resolve conflicts or complaints.

Note: Only the legal name that appears on documentation (e.g., Social Security card) can be used for application purposes in the Marketplaces.

- Letting consumers know they can file a complaint or grievance with state and federal agencies, like the HHS OCR, if they think that they've faced discrimination.
- Creating audio or video translations of English-language materials and making the content available via telephone and the Internet.
- Providing translated materials in simple, understandable language at an appropriate literacy level, preferably at the fourth-grade level.
- Including diverse images and culturally sensitive language in outreach, education, and marketing materials. Measuring how well you're implementing CMS CLAS standards through surveys and/or informal feedback.

Resources to Help You Provide LEP Assistance

CMS CLAS Regulations and Limited English Proficiency Laws and Policies Resources to Help You Provide LEP Assistance

Below are a variety of materials that can help you 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](#)

[Materials in Other Languages at Marketplace.cms.gov](#)

[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.

HealthCare.gov Individuals & Families Small Business

Get Coverage Change or Update Your Plan Get Answers See Topics

Other Language Resources

Chinese French Creole French German Gujarati Hindi Italian Japanese Korean Tagalog Vietnamese

中文 你有權利免費用您的語言獲得幫助和資訊。要用中文與
健康保險的價值 | 健康保險與幫助支付成本申請表

Chinese

Kreyòl Ou gen tout dwa pou resevwa èd ak enfòmasyon r
an Kreyòl konsènan Mache Asirans Medikal (Health

French Creole Anikasyon pou Asirans Medikal ak Èd Pou Peve P

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Knowledge Check


CMS CLAS Regulations and Limited English Proficiency Laws and Policies Knowledge Check

You want to provide the best service to all consumers, but you're concerned that you won't be able to provide all of the necessary language services. What are some cost-efficient ways you can provide culturally and linguistically appropriate services to consumers? Select the three correct answers and then select **Check Your Answer**.

- A. Identify Marketplace-approved programs near you that assist similar groups of consumers and work together to hire a professional interpreter in the language you need if that is a reasonable step to provide meaningful access to a consumer with LEP. Coordinate to work out a schedule with the other program so you can meet consumers' needs in a timely way. If you receive federal funding for your services, it is important that you claim only your organization's costs for the shared interpretation services.
- B. Refer consumers with LEP to the FFM Call Center, which can help them access interpretation services in cases where you or your organization can't provide an appropriate referral for interpretation services.
- C. Access free online translator tools to use while working with consumers with LEP.
- D. Use translated versions of official resource materials available on [HealthCare.gov](https://www.healthcare.gov), [CuidadoDeSalud.gov](https://www.cuidadoDESALUD.gov), and [Marketplace.cms.gov](https://www.marketplace.cms.gov).



Check Your Answer

 **Correct!**
Coordinating and partnering with other Marketplace-approved programs that assist similar consumer groups can maximize resources and promote relationships with community members. However, you should be careful that all federal resources are appropriately accounted for and that the Federal Government doesn't receive multiple claims for funding for the same service. You can also use the translated versions of official resource materials available at [HealthCare.gov](https://www.healthcare.gov), [CuidadoDeSalud.gov](https://www.cuidadoDESALUD.gov), and [Marketplace.cms.gov](https://www.marketplace.cms.gov). Free online translator tools aren't a reliable translating resource and shouldn't be used while working with consumers with LEP. You can also refer consumers with LEP to the FFM Call Center, which can help them access interpretation services in cases where you or your organization can't provide an appropriate referral for interpretation services.

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Key Points

CMS CLAS Regulations and Limited English Proficiency Laws and Policies Key Points



- Providing culturally and linguistically appropriate services can:
 - Help eliminate health disparities for consumers from diverse racial, ethnic, and cultural backgrounds.
 - Improve quality of services and health care outcomes.
 - Respond to current and projected demographic changes in the U.S.
- CMS regulations implementing CLAS standards were created to make programs more responsive to the diverse needs of consumers.
- Federal laws and regulations protect consumers against national origin discrimination by requiring recipients of FFA to take reasonable steps to ensure meaningful access to their programs, services, benefits and activities by persons 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 assessment of your program to determine CMS CLAS standards that you're legally required to follow, as well as LEP needs 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.

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Providing Culturally and Linguistically Appropriate Services

Introduction

Providing Culturally Appropriate Services Introduction

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

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



Centers for Medicare & Medicaid Services (CMS) Appropriate Services

Apply CMS Culturally and Linguistically Appropriate Services (CLAS) standards to a consumer with limited English proficiency (LEP)



Meetings

Demonstrate how to prepare for subsequent meetings

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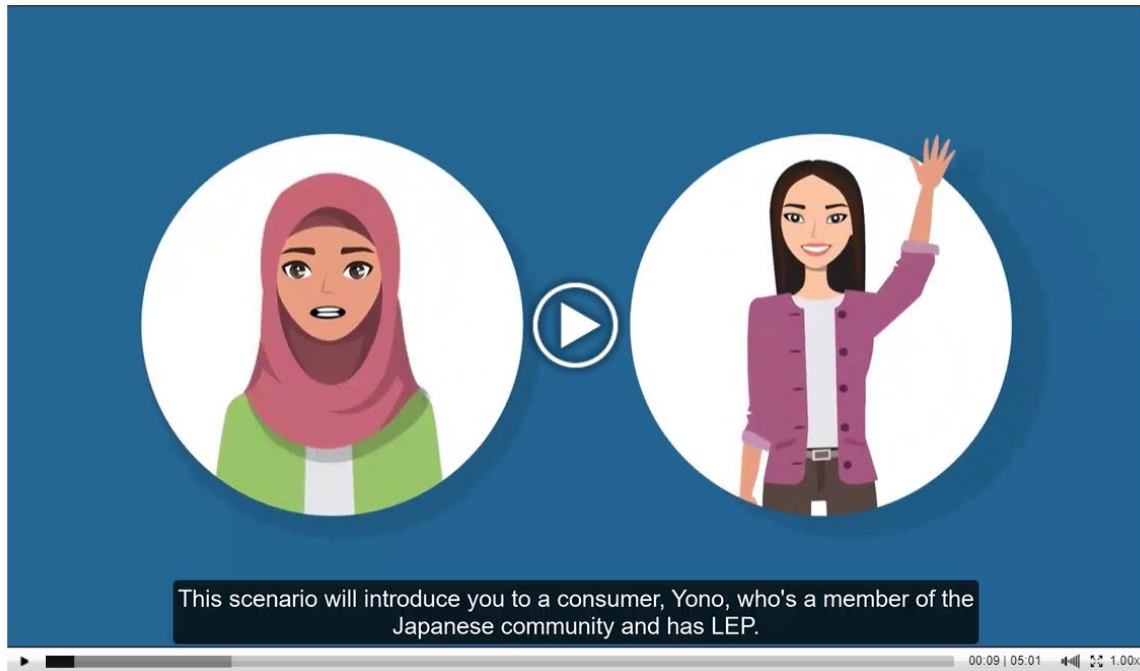
Apply CMS Culturally and Linguistically Appropriate Services (CLAS) standards to a consumer with limited English proficiency (LEP)

Meetings

Demonstrate how to prepare for subsequent meetings

Scenario Background

Providing Culturally Appropriate Services Scenario



This scenario will introduce you to a consumer, Yono, who's a member of the Japanese community and has LEP. You should 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 who are directly serving consumers (e.g., the receptionist) are required to provide when assisting consumers.

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

The Scenario

Providing Culturally Appropriate Services Scenario



You work for a small nonprofit organization that offers assistance to 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 assist consumers who would like to learn about the FFM in your state. Many of your coworkers speak the language of that community, but you don't. Your organization has staff interpreters to help others in the organization 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 she's 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. She associates very closely with her community and its traditions.

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.

Assess Consumer Needs

Providing Culturally Appropriate Services Scenario

Yono, a member of this community:

- Wasn't born in the U.S., but she's now a U.S. citizen.
- Doesn't read, speak, or understand English well.
- Is a waitress at a local restaurant and a single mother with a 12-year-old son who's fluent in English.
- Is in good health and doesn't have any mental or physical disabilities.
- Associates very closely with her community and its traditions.

She associates very closely with her community and its traditions.

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

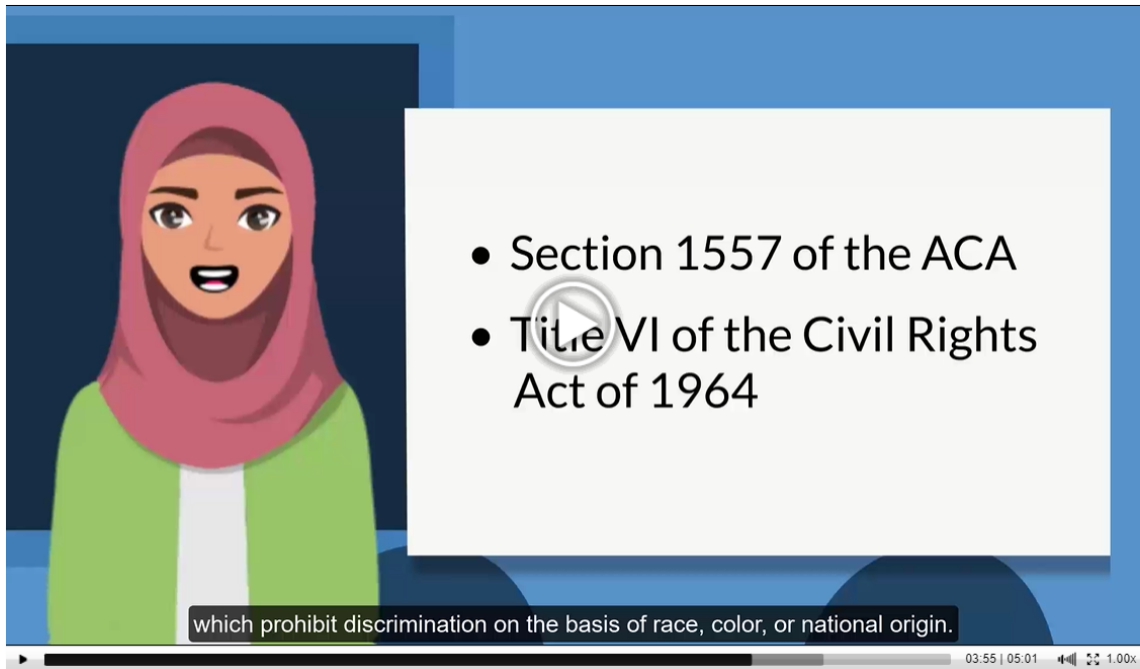
CMS recommends that you and/or your organization:

- Ask which language Yono prefers to speak when she comes into your office. 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 about 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 well, the receptionist should note that spoken communication in her preferred language is optimal and that written materials should preferably include pictures or drawings.

If the receptionist didn't speak Yono's preferred language, she could use a commercially available telephonic oral interpretation line (which has agreed to comply with the same privacy and security standards as the Navigator entity) to help 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 web page titled [Get Help in Other Languages](#) to identify Yono's language and get an interpreter. Even if Yono indicated she could communicate in English, the receptionist should make a note for the Navigator to provide an interpreter if they determine that Yono is unable to communicate well in English.

Preparation for the First Meeting

Providing Culturally Appropriate Services Scenario



- Section 1557 of the ACA
- Title VI of the Civil Rights Act of 1964

which prohibit discrimination on the basis of race, color, or national origin.

You're scheduled to meet with Yono next Wednesday.

You learn from the receptionist that Yono will need an interpreter for your first meeting and materials written in her preferred language. From your previous 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 that 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 on the basis of race, color, or national origin. Failing to take reasonable steps to provide meaningful access to consumers with LEP might result in discrimination against consumers based on their national origin.

Importance of an Interpreter

Providing Culturally Appropriate Services Scenario



Yono informs the receptionist that her son speaks very good English and will come in to help interpret, as he often does for her.

04:21 | 05:01

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

You remember that you shouldn't rely on a consumer's family or friends as oral interpreters except in emergencies, but you can't prohibit a consumer from bringing their own interpreter. To ensure Yono has meaningful access to your program, you instruct the receptionist to inform Yono that professional interpreter services will be made available at no charge and the meeting will be scheduled 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

Providing Culturally Appropriate Services 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. Which of the following questions should the receptionist ask Yono to make sure her language needs are met? Select the two correct answers and then select **Check Your Answer**.

- A. Will Yono pay for an interpreter for her meeting with the Navigator?
- B. Which language does Yono prefer to speak?
- C. Can Yono read and understand English?
- D. Will Yono's son interpret for her (without first offering professional interpretation services at no charge)?

 **Check Your Answer**



Correct!

The receptionist should ask Yono which language she prefers to speak and also whether or not she can read and understand English. By asking those two questions, adequate language resources can be made available for her meeting. It would be inappropriate to require Yono to bring and pay for her own interpreter or to ask if her son will interpret for her, recognizing that you should avoid using unqualified individuals or minors as interpreters.

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Meeting With the Consumer for the First Time

Providing Culturally Appropriate Services Meeting With the Consumer for the First Time

It's Friday and Yono is in your office for the meeting. The receptionist scheduled a professional interpreter for you and lets you know that Yono and the interpreter are ready. After obtaining a consumer authorization from Yono, you sit down with her to start the conversation.

It's helpful to keep these steps in mind when meeting with consumers:



It's Friday and Yono is in your office for the meeting. The receptionist scheduled a professional interpreter for you and lets you know that Yono and the interpreter are ready. After obtaining a consumer authorization from Yono, you sit down with her to start the conversation.

It's helpful to keep these steps in mind when meeting with consumers:

Step 1 – Greet Consumers

Step 2 – Assess Consumers' Knowledge

Step 3 – Assess Consumers' Needs

Step 4 – Identify Next Steps

Scenario: Meeting with Yono

Providing Culturally Appropriate Services
Scenario: Meeting with Yono



This is part of the conversation that you have with Yono. Please assume that what the interpreter says to Yono is a correct simultaneous interpretation that's culturally respectful and uses an accurate dialect.

Note: You should have a translated version of all of your most critical documents (e.g., on eligibility, the application process, and the availability of language assistance services) to the extent that's reasonable.



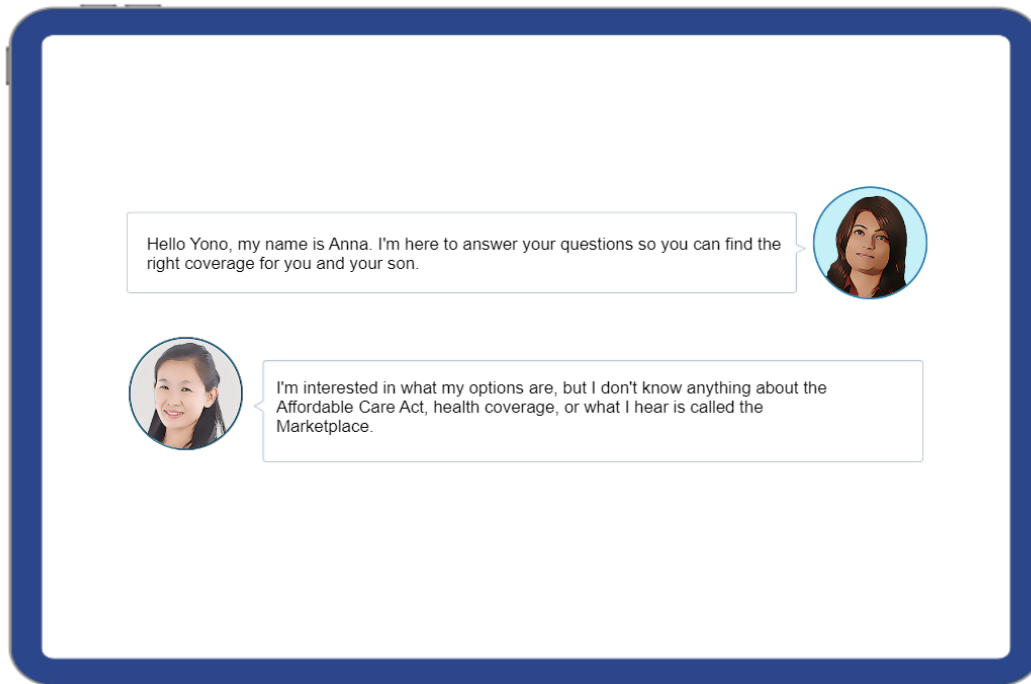
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Steps 1 and 2: Greet Consumers and Assess Consumers' Knowledge

Providing Culturally Appropriate Services

Steps 1 and 2: Greet Consumers and Assess Consumers' Knowledge



You: Hello Yono, my name is Anna. I'm here to answer your questions so you can find the right coverage for you and your son.

Yono: I'm interested in what my options are, but I don't know anything about the Affordable Care Act, health coverage, or what I hear is called the Marketplace.

Yono: I'm a single mom, and I don't make a lot of money. Do I have to pay a lot for coverage?

You: OK. I'll tell you about coverage and the Marketplace. Any personal information we talk about today will be confidential. Please tell me what you think I need to know to help you decide about coverage.

You: Depending on how much you make, you may be able to get coverage that you can easily afford. But I'll talk more about that later. Are you familiar with how health insurance works? For example, do you know that when you get health insurance, you pay a certain amount every month, and then when you go to the doctor or hospital, the health insurance company pays most of your bills?

Yono: No, not really.

You: You mentioned the Affordable Care Act, also known as the ACA. Did you know that this law helps you get coverage?

Yono: Well, I didn't really know about that either.

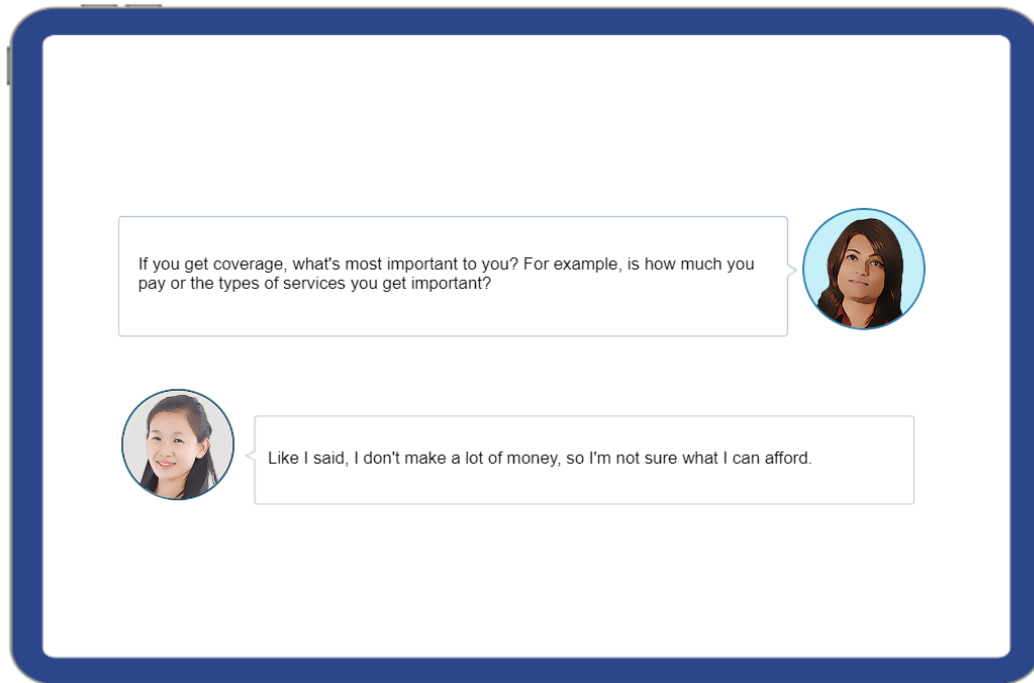
You: OK. Let's talk about these things. You asked about the Marketplace. That's a resource that helps you look at information about all of the health plans available to you. You can look at them and decide which one is best for you. I'll tell you about the differences between each one you want to discuss to help you understand which one is best for you.

Yono: OK. Now I think I understand what the Marketplace is, and I'm glad you can help me enroll in coverage. I still don't know much about the ACA.

You: Well, I can help you. Here's a helpful brochure that covers some of the information we just talked about. It also covers the most important information you need to know about the ACA. If there are words you don't understand, let the interpreter know and she can tell you what they mean. You have a right to get free interpretation and translation services from us and I'll let you know how you can get these services. I'm happy to tell you more about available resources for you to explore on your own, too.

Steps 3 and 4: Assess Consumers' Needs and Identify Next Steps

Providing Culturally Appropriate Services Steps 3 and 4: Assess Consumers' Needs and Identify Next Steps



You: If you get coverage, what's most important to you? For example, is how much you pay or the types of services you get important?

Yono: Like I said, I don't make a lot of money, so I'm not sure what I can afford.

You: Well, when you're done with the application, we may find that you can get coverage that's designed for consumers in that situation. One type of this coverage for lower income consumers is called Medicaid and another, for children, is called the Children's Health Insurance Program (known as CHIP). We'll discuss these and other types of coverage later.

You: Does your employer offer health insurance?

Yono: No, the owner of the restaurant where I work said that since he only has a few of us working there he doesn't have to offer health insurance.

You: Okay, I think that I understand your needs. Let's talk about what we'll do next. (You give Yono brochures on the ACA, Medicaid and CHIP, and insurance plans offered through the Marketplace, all written in her preferred language). Do you have any more questions that I can help answer?

Yono: Not right now. Thanks for your help.

Preparation on Filling out a Marketplace Application for Your Next Meeting

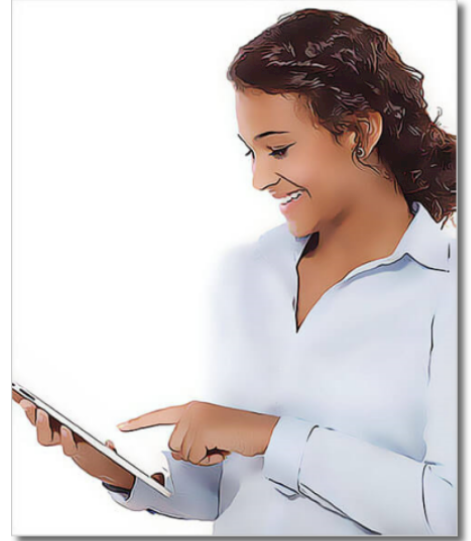
Providing Culturally Appropriate Services

Preparation on Filling out a Marketplace Application for Your Next Meeting

You've done a lot to provide linguistically appropriate services to Yono. Now, you'd like to find resources in case you need to provide additional assistance to Yono. You remember from your training that 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.
- 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 LEP consumers, and you'd like to review the updates.



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Resources for Additional Assistance Continued

Providing Culturally Appropriate Services Resources to Help You Prepare for Meetings With Consumers With LEP



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](#). You review the following sections before your meeting because they seem to be the most important:

- What is Effective Communication?
- What are Language Assistance Services?
- Why are Effective Communication and Language Assistance Services Important?

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.

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Knowledge Check

Providing Culturally Appropriate Services Knowledge Check

Below are some of the statements Yono made during your conversation. Which of these statements revealed information that can affect Yono's coverage needs? Select the two correct answers and then select **Check Your Answer**.

- A. I'm interested in what my options are, but I don't know anything about the ACA, coverage, or what I hear is called the Marketplace.
- B. I'm a single mom and I don't make a lot of money. I'm not sure if I'm able to afford coverage.
- C. The owner of the restaurant I work at does not offer health insurance since there are only a few people working there.
- D. I am unsure of how health insurance works.

 **Check Your Answer**



Correct!

How much Yono knows about the ACA or the Marketplaces won't affect her coverage needs. However, knowing that Yono is a single mom and doesn't make a lot of money helps you understand that cost is her main priority. Her employer doesn't offer health insurance due to the owner of the restaurant only employing a few individuals. She is also not sure of how health insurance works, but this doesn't affect her coverage needs.

What statements reveal information that can affect Yono's coverage needs?

Answer: How much Yono knows about the ACA or the Marketplaces won't affect her coverage needs. However, knowing that Yono is a single mom and doesn't make a lot of money helps you understand that cost is her main priority. Her employer does not offer health insurance due to the owner of the restaurant only employing a few individuals. She is also not sure of how health insurance works, but this doesn't affect her coverage needs.

Key Points

Providing Culturally Appropriate Services Key Points



- CMS regulations implementing CLAS standards and LEP laws, regulations, and guidance may apply when you work with diverse consumers and consumers with LEP.
- It's recommended that you follow several steps when meeting with a consumer for the first time to make sure 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.

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Conclusion

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Great job! You learned about culture as it relates to consumers and the importance of cultural and linguistic competence when you perform your assister duties.

You've finished the learning portion of this course. Select the link to take the [Cultural Competence and Language Assistance](#) exam, or you can close the course and return to the exam later.

Great job! You have learned about culture as it relates to consumers and the importance of cultural and linguistic competence when you perform your assister duties.

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Resources

National Standards for Culturally and Linguistically Appropriate Services 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.

<https://thinkculturalhealth.hhs.gov/clas/blueprint>

HHS Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons: Federal guidance outlining the requirements that recipients of federal assistance must adhere to (under Title IV of the Civil Rights Act) when serving and interacting with limited English proficient (LEP) individuals.

<http://www.hhs.gov/sites/default/files/ocr/civilrights/resources/specialtopics/lep/lepguidance.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 written in the major languages spoken in the U.S.

<http://www.hhs.gov/ocr/get-help-in-other-languages/index.html>

Think Cultural Health: An HHS website that provides resources and information about serving diverse consumers, adhering to federal requirements and laws, and understanding cultural differences when providing health and health care related services.

<https://thinkculturalhealth.hhs.gov/>

LEP Resources Including Links to Best Practices: A set of resources providing information on federal requirements and best practices when providing services to consumers with LEP.

<http://www.hhs.gov/ocr/civilrights/resources/specialtopics/lep/index.html>

Federal Interagency Working Group on LEP: A federal interagency website that provides links to federal publications and releases on LEP requirements.

<http://www.lep.gov/>

HHS Office of Minority Health (OMH): The official HHS OMH website. <http://www.minorityhealth.hhs.gov/>

Office of Management and Budget: 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: A search tool that can be used to find facts and data about communities and geographic areas located within the U.S., Puerto Rico, and Island territories.

<https://data.census.gov/cedsci/>

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

<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>

Office for Civil Rights (OCR): How to File a Civil Rights Complaint: Information about filing a complaint with OCR, geared toward consumers who believe a health care provider, or state or local government agency, has discriminated against them.

<http://www.hhs.gov/ocr/civilrights/complaints/index.html>

LEP Guidance: Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons.

<http://www.hhs.gov/civil-rights/for-individuals/special-topics/limited-english-proficiency/guidance-federal-financial-assistance-recipients-title-VI/index.html>

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

<https://www.healthcare.gov/contact-us/>

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

<https://www.cuidadodesalud.gov/es/>

HHS Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient (LEP) Persons: Official federal guidance on nondiscrimination of LEP consumers applicable to all recipients of federal funding.

<http://www.hhs.gov/sites/default/files/ocr/civilrights/resources/specialtopics/lep/lepguidance.pdf>

A Patient-Centered Guide to Implementing Language Access Services in Healthcare Organizations: An HHS publication providing detailed information on providing services to consumers with LEP, including information on conducting self-assessments and planning for and implementing language access services.

<https://minorityhealth.hhs.gov/assets/pdf/checked/hc-lsig.pdf>

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

<http://www.hhs.gov/ocr/>

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 at [HHS.gov/civil-rights/filing-a-complaint/complaint-process/index.html](https://www.hhs.gov/civil-rights/filing-a-complaint/complaint-process/index.html).

The Guide to Providing Effective Communication and Language Assistance Services: A tool to help your organization provide effective communication and language assistance services to the culturally and linguistically diverse individuals receiving care and services from your organization, including racial and ethnic minorities, those with LEP, and those who are deaf or hard of hearing.

hclsig.thinkculturalhealth.hhs.gov/