



California's Protection & Advocacy System
Toll-Free (800) 776-5746

Your Right to Receive Mental Health Services in the Language you understand

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When you have language or communication barriers (that is, if your primary language is not English, if you are deaf or have a hearing loss, or if you need communication aids) you still have the right to access mental health services. You have the right to access those services in the language with which you are most familiar and comfortable. Following are frequently asked questions and answers about rights to language access.

1. Do I have a right to information about mental health services in a language I understand?

Yes. Mental health programs have an obligation to provide interpreting and translating services, and auxiliary aids. Interpreting means that you get information, orally or signed, in your primary language. Translating means that you get written information in your primary language. Auxiliary aids may include Braille and taped material, as well as other aids, if you have impaired hearing or vision.

2. When do I have a right to an interpreter?

You always have the right to an interpreter. At your first visit, the provider must tell you (in writing, in sign language, in your primary spoken language, or in Braille) about your rights to have interpreters. All programs must post such information in an obvious place. All notices, whether written or spoken, must explain how to get an interpreter and how to file complaints

about interpreter service problems with the state Department of Health Services (DHS).

3. Who is competent to provide oral interpreting services?

An "interpreter" is someone who is fluent in English and in your primary language. That person must be able to speak or sign, read, and interpret your primary language quickly and accurately. Competency requires knowledge of specialized terms or concepts in both languages. Providers must not require, suggest, or encourage you or other people with LEP (limited English proficiency) to use family members, friends, or minor children as interpreters.

4. Do I have a right to work closely with my interpreter and the mental health assessor to be sure I get the services I want and need?

Yes. If your mental health assessor does not communicate in your primary language, your interpreter has the key role of working closely with you and the assessor to make sure you get the care you need. It is a very good idea to ask another client who speaks your language to help you decide if your mental health assessor is qualified to help you. If you are not satisfied with the program's assessment of your mental health needs, you have the right to demand an outside, independent assessment at the program's expense.

5. When do I have a right to have information translated into my primary language?

The provider must give you a written translation into your primary language if at least five percent of the program's clients communicate in that language.

6. Do I have rights to interpreting, translating and auxiliary aids at individual service or treatment plan (ISP/ITP) meetings?

You always have a right to oral or signed interpreting at all stages of your mental health care. That includes administrative or judicial hearings. If the

program does not give you translated notices and documents, it must give you a translated notice about having written documents interpreted, orally or in sign language, by a competent interpreter. If you need auxiliary aids, you should ask for them before meetings or hearings.

7. Do mental health programs have a duty to evaluate my language needs?

Yes. At least once a year, mental health programs must identify the following:

- What languages are used in the program area
- How many people with LEP are eligible and might use the program
- Which clients will need interpreters, written translation, auxiliary aids, or signers
- Which parts of the mental health program will need language access
- What resources they need – such as location, availability and arrangements

The programs must then assess their findings and decide if the assistance they are providing is still current and viable, or if they need to change it.

8. Do mental health programs have to develop written policies to meet my language needs? Do they have to train staff about my needs?

Yes. Providers must put the following in writing:

- Notice to people with LEP – in their primary language – of their right to free language assistance
- Competent interpretation – both oral and sign language

- Translation of written materials
- Staff training on LEP policies and procedures (assess staff knowledge annually)

9. What can I do if the program does not provide the language access I need?

If the mental health program has not provided you with meaningful access based on your language needs, you can file a complaint. If you do file a complaint, the Office of Civil Rights will consider the following questions in deciding your discrimination claim:

- How large is the program?
- How many eligible LEP clients are in the program area?
- How often do they come in contact with the program?
- How often is your language encountered?
- What is the nature of the program?
- What are the objectives of the program?
- What are the total resources available?

10. Can I file a complaint if a mental health program does not provide meaningful access?

Yes. Many social service programs are federally funded by the Department of Health & Human Services (DHHS). Laws provide for equal access to all such programs. The Office of Civil Rights (OCR) enforces such laws.

You must file your complaint in writing within 180 days from the date of any act that you feel is discriminatory. You can get a complaint form from OCR, or you can send a letter that includes this information:

- Your name, address and phone number, or your advocate's name, address and phone number
- The name and address of the program you are complaining about
- When and where the discriminatory act occurred
- What happened
- Any other facts you think are important

Send your complaint to:

**Region IX OCR
Ira Pollack, Regional Manager
U.S. DHHS Office for Civil Rights
50 United Nations Plaza, Room 322
San Francisco, CA 94102**

11. What can happen when OCR investigates a complaint?

OCR can help resolve your complaint by mediation. OCR will also monitor any agreement between you and the program. If the mental health program refuses to follow an agreement, OCR can cut off its federal funding or send the case to the Department of Justice for litigation.

12. I am afraid of retaliation or intimidation if I file a complaint with OCR. How can I be protected?

You must stand up for your rights. Try to have an advocate working with you. If you remain certain of your rights it is unlikely that you will be harassed. You can also file continued complaints and contact your local government representatives.

13. Is there anything else I can do to make sure I have language access?

If you get Medi-Cal, you can file a complaint with the mental health director in your county. Be persistent! Stand up for your rights. No one wants to spend federal money on programs that discriminate against people who need them.

Disability Rights California is funded by a variety of sources, for a complete list of funders, go to <http://www.disabilityrightsca.org/Documents/ListofGrantsAndContracts.html>.