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Analyzing Four Factors to Develop an LEP Plan

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Title VI of the 1964 Civil Rights Act prohibits recipients of Federal funds from discriminating against an individual based on race, color or national origin¹. In 2001, the Department of Health and Human Services provided guidance for recipients of Federal funds on how to comply with this mandate in regards to language access. For healthcare organizations, the guidance helps determine the extent to which they are obligated to provide access to individuals who may have trouble communicating in a non-native language with healthcare staff. The analysis looks at four factors:

- The number or proportion of limited English speakers in the organization's service area. The MLA Language Map is an excellent (although slightly outdated) resource for this.²
- The frequency with which the healthcare organization is accessed by this limited-English population. (Keep in mind that, if the organization has not historically provided linguistically-appropriate care to its patients, these numbers may be skewed.)
- The importance of the organization to the community.
- The resources available to the organization (both financial and linguistic).

With this in mind, a public Level One Trauma Center in an area with a large population of limited-English-speaking immigrants and refugees would have a much different obligation than a private plastic surgery facility. In the eyes of the Federal government, this Four Factor Analysis is the first step in developing a proactive, comprehensive approach to ensuring access to all, regardless of their fluency in English.

Once the four factor analysis has been completed, the next step will be to develop specific Limited English Proficiency (LEP) Policy to guide hospital administration and front-line staff on the course of action when serving patients facing communication barriers.

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¹ Title VI of the 1964 Civil Rights Act <http://www.justice.gov/crt/about/cor/coord/titlevistat.php>

² MLA Language Map Data Center http://www.mla.org/map_data&dcwindow=same