

**Statement of Dr. Guillermo Linares
Commissioner of the Mayor's Office of Immigrant Affairs
and before the City Council Committee on Immigration
Executive Order 120**

May 7, 2009

Good afternoon Chairman Stewart, members of the Immigration Committee, and City Council. My name is Dr. Guillermo Linares and I am Commissioner for the Mayor's Office of Immigrant Affairs. I would like to thank you for giving me the opportunity to come before you today to discuss my office's work in addressing the needs of limited English proficient New Yorkers and assisting City agencies with building their capacity to serve this diverse population. These efforts helped lay the groundwork for the creation and implementation of Executive Order 120.

I want to start off this testimony by sharing my personal experience overcoming language barriers. When I came to New York City as a young teenager, I barely spoke a word of English. Everyday tasks and communication were challenging, so I can attest unequivocally that life in the United States without the ability to speak English is very difficult. So I worked very hard to learn English, and in fact, became a teacher, a Councilmember, earned my doctorate in education, and today I proudly serve our City's diverse immigrant communities through my role as Commissioner of Immigrant Affairs.

My story is similar to the generations of immigrants who came and continue to come to New York City in search of a better life. During the process of integrating into their new home - which includes learning English - they strengthen our communities and neighborhoods both economically and socially. We continue to benefit from the contributions of immigrants, so by helping limited English proficient immigrants communicate with government, we are in turn helping our City as a whole. With the passage of Executive Order 120, we make it possible for our newest immigrants to access social services, report crimes, or talk about their children's education with their teachers, among other essential activities.

I want to take this opportunity to highlight what we all know so well about our City's diverse population - that over 50% of New Yorkers speaks a language other than English at home. And this population is incredibly multilingual, speaking over 200 languages across our City. Immigrants and their children make up over 60% of the population of New York City, and a quarter of New Yorkers – that's 1.8 million people – speak English less than very well, which, according to the U.S. Census classifies them as limited English proficient, or LEP. It is within this context that the Mayor identified the importance of providing language access so that LEP New Yorkers could access the City services to which they are entitled.

Second, I will share with you the role of the Mayor's Office of Immigrant Affairs. In 2001, New York City voters passed a referendum establishing permanently the office of Immigrant Affairs within the Office of the Mayor. Building on its Charter mandate, the Mayor's Office of Immigrant Affairs promotes the well-being of immigrant communities by recommending policies and programs that help facilitate successful integration of immigrant New Yorkers. The office's core mission is to promote the full and active participation of immigrants in the civic, social, and economic life of New York City.

We rely on and actively seek input from immigrant communities and organizations serving immigrants to help determine the office's priorities each year. With this in mind, the Office of Immigrant Affairs hosted a large-scale community strategic planning meeting in 2005. We called together leaders from our City's immigrant communities, representatives from agencies and nonprofit service providers, educators and policy experts. This diverse group came to a consensus that language barriers were creating obstacles for LEP New Yorkers across almost all immigrant groups. The voices of leaders and community representatives clearly articulated the pressing need to expand and augment language assistance services throughout the city. New Yorkers speak over 200 languages, demonstrating the strength of our diversity. But it also represents a

challenge. My office embraced this challenge and made language access a priority over the next few years.

First, we researched national best practices in the provision of language access services to share with agencies. We also looked internally and recognized the strength of our own agencies. Some agencies were already leaders in this field, and others were in the process of developing robust language access policies and programs, thanks in part to the passage and implementation of Local Law 73. To capitalize on this wealth of knowledge, we launched the Interagency Task Force on Language Access in September 2005. This gave agencies the opportunity to share language access best practices and exchange ideas for improving service provision. We created workshops on various aspects of language assistance services, which included guest speakers from other state and local governments that had been successful in implementing language access policies and programs. But most of our meetings featured examples of elements of successful language access practices in city agencies.

In 2007, our language access work was strengthened and augmented when the Center for Economic Opportunity – the poverty-alleviation initiative created under the leadership of Mayor Bloomberg and Deputy Mayor Gibbs – funded the City’s first Director of Language Access position. The Center recognized the significant link between English proficiency and economic status. According to City Planning data, as an individual’s level of proficiency decreased, his or her rate of poverty increased. With the creation of the Director of Language Access position, a dedicated staff member could now provide language access technical assistance to CEO initiatives and other agencies and programs serving low-income individuals and families.

We continued to use the Task Force as a venue for sharing and disseminating information and strategies that we collected as we worked one-on-one with agencies more aggressively. Thanks to the Task Force and our technical assistance role, we achieved several important successes. We learned that there was a wide discrepancy in what agencies were paying for vendors to provide translation and interpretation services.

Some agencies had negotiated affordable prices, while others were paying as much as three times as much as the lowest rates. We surveyed the agencies to determine their needs and shared this information with the Department of Information Technology and Telecommunications, who then negotiated a consortium contract with the language services vendor Language Line allowing all mayoral agencies to sign onto the contract at the same low rates.

Several agencies also created language access policies and implementation plans as a result of the Task Force meetings. Others adopted the use of language identification cards and multilingual signage offering free interpretation services. Some created agency volunteer language banks.

It became evident over the course of this work that agencies would benefit from guidance and citywide standards to ensure that their language assistance services were consistent across the city and were of quality. We started investigating the benefits of a citywide language access policy, using existing language access policies as a basis but taking the unique aspects of New York City's population into account, as the largest city serving the most linguistically diverse population in the country. Under the direction of Deputy Mayor Robles-Román, we partnered with the Mayor's Office of Operations, Legislative Affairs, and the Mayor's Counsel to lay out a blue print for what would become Executive Order 120.

The Mayor's signing of Executive Order 120 on July 22, 2008 represents the culmination of many years of work by the Mayor's Office and City agencies. It also represents the work of many dedicated people in the advocacy community who also provided invaluable feedback over the years. But the Executive Order is also a starting point. It has given us the opportunity and mandate to tackle language access challenges from a citywide perspective. My office has been working closely with the Mayor's Office of Operations - the office charged with overseeing implementation - to provide technical assistance and guidance to all City agencies charged with providing language access. Since the Mayor signed the Executive Order, we have achieved many successes.

The Mayor's Office of Immigrant Affairs is committed to continuing to support the outstanding work of the Mayor's Office of Operations on the implementation of Executive Order 120. I will now turn over the floor to Elizabeth Weinstein, from the Mayor's Office of Operations, who will share with you the work of our offices since the Mayor signed Executive Order 120. I thank you again for allowing me the opportunity to appear before you today, and to provide you with an overview of the history of my office's work on language access. I welcome any questions you may have at the conclusion of Ms. Weinstein's testimony.

Good morning Chairman Stewart, and members of the Committee and Council. As Commissioner Linares said, my name is Liz Weinstein, and I am the Director of the Customer Service Group at the Mayor's Office of Operations. Thank you for the opportunity to come here today to discuss language access and the implementation of Executive Order 120.

The Customer Service Group at the Mayor's Office of Operations was created by Mayor Bloomberg through Executive Order 115. We are charged with improving the experience for New York City customers across City agencies – and across customer service channels. We work with all City agencies to improve the way customers experience our city -- whether they interact with us at walk-in centers, over the telephone, through correspondence or on the web. •

Given the statistics that Commissioner Linares mentioned about the number of LEP New Yorkers, it is fitting that the Customer Service Group is implementing the City's language access strategy – one cannot seriously contemplate customer service in New York without a focus on improving language access.

As you know, Executive Order 120 included two specific mandates for agencies as well as a description of the components that agencies should include in a comprehensive language access plan.

The first mandate articulated in the executive order was that every agency needed to assign a language access coordinator by September 5th, 2008. This coordinator is an existing staff member at the agency who serves as the primary contact between the agency and the mayor's office on language access issues. I am happy to say that all agencies assigned a coordinator on time.

The second mandate was to submit a language access implementation plan to Operations on January 1st of this year. As agencies worked on their plans from September to January, the Mayor's office met individually with all of the participating agencies and

held multiple group meetings with our language access coordinators.

Our role during this period was to offer guidance on how exactly a language access plan should be created. Using the content of the executive order, as well as leading practices across the city and the country, we created an outline of what a comprehensive language access plan should look like. We also developed a model plan which agencies could use to get a sense of how a completed plan comes together.

The model plan included key sections that we felt would provide important information to any New Yorker who might read the plan on-line, whether they were versed in language access or not. In addition, the sections of the plan would compel an agency to think through how and why they were providing services for LEP customers. For example, each agency had to analyze their customer base and their language access protocols based on the Department of Justice's four-factor analysis which includes the following points:

- Factor 1: The number or proportion of LEP persons served or encountered in the eligible service area
- Factor 2: The frequency with which LEP individuals come in contact with the program (or agency/division)
- Factor 3: The nature and importance of the program, activity, or service provided by the program
- Factor 4: Resources available to your agency.

We knew that roll-out strategies would and could vary from agency to agency -- for example an agency that is dependent on forms and applications for customer interaction may focus on translation before it tackles interpretation services -- but each agency had to explain *why* they were choosing their course of action and justify those choices using the same analysis.

Other sections of the plan included training, record keeping and evaluation. While it is clearly essential for agencies to outline in their plans the interpretation and translation

services they will provide, a simple list of vendors or forms to be translated would not do enough to ensure access for LEP's at a city agency. Equally important is that staff is trained on how to interact with LEP clients, and how to connect customers to language services. In addition, without a way to keep track of interactions and provided services, an agency could not evaluate the quality of their programs.

Perhaps the most challenging section of the plan for agencies was creating a timeline of major milestones that the agency would commit to meeting. Most plans contain specific goals that the agencies will meet over time. Examples of these milestones include dates or timeframes by which an agency will provide training for front-line staff on agency language access protocols; or when an agency will create a task-order to become part of an interpretation contract; or the date by which they will install translated signage and notices of free interpretation in service-centers.

Many of our agencies had never written a language access plan before and none had created one as comprehensive as what we demanded. I am proud to say that all agencies offering direct public service have submitted a plan to our office.

Our work has continued in earnest since January 1st. To ensure that the plans we received were consistent and of high quality, Operations and Immigrant Affairs created a checklist of plan requirements that all agencies had to meet. The checklist included the major requirements mentioned in the template, including: language access goals, timelines and milestones, interpretation services, translation services, training, record keeping & evaluation and outreach.

While we were offering guidance and holding agencies accountable, the Mayor's office has also spent the last few months creating tools and resources to make it easier for agencies to do their jobs. We created, printed and distributed to agencies a language identification card, which lists the top twenty-two LEP languages in New York City. This card can be printed in a variety of sizes and used at agency walk-in facilities. In its smaller size, standard 8.5x11, it can be used by an employee at a customer window or

reception desk who is attempting to assess a customer's primary language (the customer simply points to their language on the card). When printed larger, it can be used as a sign in a waiting-room, so customers know that free interpretation is available and feel comfortable entering the facility. We have also heard from some agencies that they are shrinking the card to fit into book or pocket-sized materials that their field workers can use to identify the language of customers they interact with around the City.

We also created and distributed "I speak cards". These cards are circulated by agency staff to a customer, once their primary language has been identified. Many agency customers are repeat visitors, and this card allows the customer to save time upon their next visit, when they can simply present the card to the customer service agent, and the employee can engage the appropriate services. Once all of our agencies are offering interpretation services, it is our hope that this card could be used across agencies by a customer.

While we encourage agencies to translate as many documents as possible -- we know that it will take a long time to get to everything. To ensure that we provide as much information as possible in the meantime, we created a cover sheet that can be sent or distributed with any agency document. The cover sheets states, in the top six languages, that the customer has a right to free translation of the documents they are receiving and provides the necessary information for obtaining a translation of the document. Agencies received the language ID card and signage, the I Speak cards and the cover sheet template in November, and we are continually fielding requests for more copies.

The Mayor's office is also spearheading longer-term citywide initiatives to enhance the delivery of language access while making it easier for agencies to implement their plans. These projects include a testing and training program for bilingual employees and language bank volunteers; the creation of citywide glossaries of translated terms; the creation of a multi-lingual web portal on nyc.gov; and training curriculums for front-line staff. As you can see, there is still a lot of work to do.

Today, almost every agency's language access plan is available on both the agency's website and the Mayor's office site. We are the only city in the country with this level of specific commitment to language access planning. However, the public awareness of these plans is only one piece of a multi-pronged strategy for holding agencies accountable for their plans.

In addition to making the plans public, Operations has at least two other methods for following the progress of agencies as they implement their plans. First, each agency receives a quarterly "milestone" update report from us at the end of each quarter. This report lays out all of the milestones that an agency anticipated completing for the relevant quarter. Upon receipt, agencies are asked to tell us if the milestone has indeed been completed, and if not, what percentage of it is complete and the anticipated completion date, as well as an explanation about why it is late. In this way, we are frequently apprised of the movement agencies are making in satisfying the commitments they made in their plans.

Second, Operations partnered with agencies to create a set of new customer service related indicators. Beginning this summer, agencies will report through nyc.gov's NYCSTAT page how they are doing in various service areas including call centers, walk-in centers, correspondence, customer satisfaction and language access. While these indicators are fairly basic, they represent an unprecedented effort to actually measure the way we provide services to customers.

We will also continue to meet quarterly with language access coordinators from all agencies to ensure that we are sharing practices, taking advantage of economies of scale, and providing the support that our agencies need to turn the goals they created in their plans into reality.

Through the other work of the customer service group, language access resources were also enhanced, proving the benefit of combining language access with the larger customer service efforts. Over the past few months the top 6 languages have been

included in an agency welcome sign pilot program, and cultural sensitivity will be part of a new comprehensive customer service training made available to front-line staff and supervisors across agencies. In addition, during a “secret shopper” program completed last summer of agency walk-in facilities, shoppers evaluated language access as one of 5 key customer service themes– giving agencies feedback and scores on specific encounters and observations at their service centers.

Executive Order 120 has lit a fire under our public facing departments to start thinking about *every* person who needs or desires services from them, as a customer, no matter what language they speak or read. I am proud to say that by the end of 2009, all 37 agencies will provide some interpretation services and make translated documents available. Thanks to Mayor Bloomberg signing Executive Order 120, we will be much closer to providing full and equal services to all New Yorkers than we are today.

Thank you for listening and we would be happy to answer any questions.

Translated Testimony of Jian Zhong Chen

Member, Chinatown Tenants Union of CAAAV

May 7, 2009

City Council Oversight Hearing on Mayor's Executive Order 120 of 2008

My name is Jian Zhong Chen, and I am a member of the Chinatown Tenants Union of CAAAV. CAAAV Organizing Asian Communities is a community-based organization that works with low-income Asian communities in New York City to address housing, gentrification, health care, language access, public education, and immigration reform. We have worked hard over the past few years to push for language access services for all New Yorkers.

In November of last year, I was relocated to the Bronx along with all of the residents of 81 Bowery because my building was deemed unsafe to live in. On March 23 of this year, in the Bronx, I was false accused of stealing money. When the police arrived, I tried to tell them that I only spoke Mandarin. The officers did not listen to my side of the story and held me in jail for 27 hours. While in jail I told the police "I speak Mandarin" and begged for translation so I could understand what was going on but I was not provided any translation. The next day in court I was provided a Mandarin interpreter, only then did I understand why I had been arrested and held.

If I was offered translation, the time spent sorting out my case could have been saved. If the police understood my side of the story time spent with legal aid, preparing the case and in court could have all been easily avoided. Do the police know about this language access executive order? If so, why is it not being enforced by officers of the law?

The legislation that was passed sounds really good but I did not experience it in practice. I hope the city officials can pass legislation that works properly.

It is my hope this committee takes my experiences and really focuses on how City agencies implement this executive order so no one else has to experience what I've had to go through.

Thank you.



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New York City Council Hearing on Executive Order 120

Thursday, May 7, 2009

Good Afternoon. My name is Richard Lee and I am the Advocacy Associate at Asian Americans for Equality (AAFE). AAFE is a 35-year old non-profit organization dedicated to affordable housing, economic development, community planning, advocacy, and civil rights. On behalf of AAFE, I want to thank the City Council for holding this public hearing on an issue that affects so many New Yorkers.

Given the economic downturn that is leaving many residents vulnerable, it is increasingly important that city agencies implement language access to assist those who face language and cultural barriers.

For years, AAFE has served as the bridge between community residents and city agencies like Housing Preservation and Development and Parks and Recreation. Residents with limited English skills have been particularly vulnerable to the loss of affordable housing. When building owners convert affordable housing into market rate units, those who have limited language capability are often the first ones targeted for harassment and forced out of their affordable housing homes. Tenant harassment is a widespread tactic used by landlords in order to displace tenants to deregulate rent-regulated units. Landlords take advantage of cultural and linguistic barriers to refuse rent payments or renewal leases, and to post unwarranted eviction notices. Because of the shortage of affordable housing, low-income and working class tenants who are displaced are then forced to endure living in hazardous, over-crowded and unsafe conditions. Tenant rights advocates have been instrumental in opposing predatory landlords throughout the city, yet as effective as we have been landlords are getting more creative, and their predatory tactics are evolving faster than advocates are able to find solutions to fight them. Raising awareness of housing rights and increasing direct communication between the city and the public in a culturally and linguistically relevant manner will relieve many economically vulnerable New Yorkers. More importantly, it will empower residents to stake a claim to their community.

There is an urgent need to implement language access. At the same time, we are aware of the potential challenges. We urge that the city to expedite the implementation of

Executive Order 120, and to utilize the network of expert community organizations like AAFE to serve as a sounding board as each agency rolls out Executive Order 120; to seek our assistance in finding the best ways to expedite the implementation of comprehensive language access.

We thank the City Council for its leadership and vision in making our city accessible to all New Yorkers. We hope New York will serve as an example to other cities with large diverse immigrant communities. Thank you.

Testimony of Daniel Coates
Civil Rights & Immigration Organizer, Make the Road New York
Before the New York City Council Committee on Immigration 5/7/09
Implementation of Mayoral Executive Order No. 120 of 2008

Immigration Committee Chair Stewart and members of the Council, thank you for holding this hearing on Executive Order 120 that would ensure that all New Yorkers will have meaningful access to all city government programs and services, regardless of their English ability.

With over 5800 dues-paying members, Make the Road New York (MRNY) is the largest membership-based immigrant organization in New York City and played a key role with other advocates to get the Executive Order signed last year. For over ten years, our members and other advocates laid the groundwork for this landmark victory by continually drawing public attention to the need for language access at public agencies, public and private hospitals, and pharmacies. This victory of course would not have been possible without the vision of Mayor Bloomberg, Speaker Quinn, the City Council and the tireless work of the staff of Immigrant Affairs and Operations.

The Executive Order (EO) is the first in the nation to comprehensively address one of the most pervasive barriers preventing immigrants from receiving services, participating in programs, or interacting with government. It's a commitment to ensuring equal access and equal rights for the nearly two million New Yorkers who are still learning English. We believe that an accessible government is good government and effective government.

We have been working collectively with staff of the Mayor's Office of Operations and Immigrant Affairs to make sure that the order is implemented in a way that ensures access to all New Yorkers. To this end, we are happy to see that 32 agencies have published their plan and have made it available to the public. We are currently reviewing the plans of agencies that our members interact with the most.

For the EO to be effective, it must follow these simple and important steps:

Data collection: Agencies should do this on an annual basis to ensure that they are prepared to work with the diverse population that lives in New York City and report back to the Council.

Agency Assessment: An assessment report by each agency that counts the number of customers served who speak a specific language and the % that language group makes up of the total customers served by the agency. It should also survey the LEP population that could be receiving their services and create plans to reach out to that community.

Training: Agencies should train all front line workers and others who interact with LEP clients on their language access plan, so that each employee is capable to quickly help a LEP client. The lack of training has been one of the biggest obstacles in the past and we hope that the EO remedies this.

Outreach: the EO is only as good if the people in need know of the services that are being provided. The City must invest to increase outreach to populations that require translation services and take advantage to mention the executive order in all the ad campaigns that each agency does. Each agency has assigned a language access coordinator for internal coordination, which is a great step, but it should also assign a language access coordinator for external coordination with advocates, clients, etc.

Monitoring and Evaluation: It would be ideal for the City to report to the Council on a yearly basis how they are implementing the EO and the benchmarks that each agency must hit to be in compliance. Transparency is key.

The implementation of the EO is monumental task and we understand that in doing so it takes a long time. We hope that the commitment from the agencies will result in better customer service. We will be keeping a watchful eye on this as our members interact with various City agencies on a daily basis.

As I mentioned before, the Executive Order has implications far beyond New York City. By signing it, Mayor Bloomberg and the Council have demonstrated New York City's exceptional leadership in enhancing customer service for all city residents, fighting national origin discrimination, and promoting civil rights. Thank you for the opportunity to testify today.

Testimony for City Council Hearing on Executive Order 120

Good afternoon. My name is Amy Taylor and I am the Language Access Project Coordinator at Legal Services NYC, the largest provider of free civil legal services for low-income people in the country. Our project seeks to increase access to services and justice for low-income limited English proficient (LEP) New Yorkers through litigation and policy advocacy. Currently almost one in four New Yorkers are LEP. Since there is such a strong correlation between limited English proficiency and poverty, a very large percentage of our clients are LEP.

The Executive Order signed last July by Mayor Bloomberg was an important step in the city's recognition of language barriers as a serious challenge facing many New York families struggling to survive. Language services are the gateway to all other services for LEP New Yorkers. When city agencies do not translate important notices, LEP New Yorkers often are not made aware of important rights regarding their homes, benefit recertification or hearings to which they have a due process right. Without appropriate interpreter services, these struggling families cannot access vital city services such as Food Stamps, Medicaid and child welfare services. For example, our project recently assisted one

client with her Public Assistance application, an application she had not been able to properly submit for nine months because no one in the HRA office could speak to her in a language she could understand. As a result of this communication barrier, our client and her two children spent nine months without the benefits to which they were entitled and were almost evicted from their home.

Since Executive Order 120 requires city agencies with public contact to publish language access plans, many agencies are focusing on the linguistic accessibility of their services for the first time. We applaud this effort and understand from our own experience that implementing new procedures regarding the provision of language services can be challenging.

For many city agencies, however, this is not the first time that the inaccessibility of their services has been brought to light. Some agencies, such as HRA and NYCHA, have been struggling with compliance with local, state and federal civil rights laws mandating language services for many years. Advocates have been exposing city agency failures to follow language access mandates for over ten years. We have heard the same excuses from these agencies for years. LEP New Yorkers are tired of being deprived of the benefits and services to which they are entitled and which they desperately need.

Having a solid language policy at each city agency is only a first step. While we recognize that it is an important first-step, I want to focus on the need for training and outreach to ensure the proper delivery of language services.

Training

In our experience, training of frontline workers is the absolute key to successful implementation of language access mandates. Even the most comprehensive policy is meaningless if the workers interacting with our city's residents are not trained on the procedures they are required to follow. This is

no small task and we recognize the challenges that a city as large as New York faces in training frontline workers at a myriad of city agencies. However, training must be prioritized or New Yorkers will continue to be turned away from vital city services in a time of incredible need. New workers must be trained and more experienced workers must be trained repeatedly.

Outreach

LEP communities are used to language barriers. Until they are made aware of this new city policy, they will continue to rely on their friends and neighbors, including their bilingual children. The city must recognize that the use of untrained interpreters opens up a sea of problems from inaccurate translations to breaches of confidentiality. Children are all too often put in the inappropriate situation of interpreting sensitive conversations between their parents and a city agency. Agency staff must be trained to identify individuals who need language assistance and to notify these individuals at the outset that an interpreter is available free of charge. Signage must reinforce this offer, and we, in the advocacy community, must continue to work with government agencies to get the word out.

We applaud the Mayor in his efforts to bring city agencies into compliance with existing civil rights mandates to provide language services to LEP New Yorkers. We are committed to working together with city agencies to ensure that these services are actually delivered and that the Executive Order's words reach our clients' ears.

Thank You

Executive Order 120: Language Access Implementation Plan

My name is Teresa Engst. I am a paralegal in The Legal Aid Society's Health Law Unit. On behalf of the Legal Aid Society, we would like to thank the New York City Council and the Immigration Committee for convening this hearing and for their commitment to ensuring proper implementation of Mayoral Executive Order No. 120 of 2008 which requires` all City agencies which provide direct public services to establish a Language Access Implementation Plan.

The Legal Aid Society's Health Law Unit (HLU) works with a diverse clientele on a number of health-related matters. We provide representation and advice to low-income residents of all five boroughs of New York City and we operate a state-wide Health Law Helpline. Our unit provides assistance to more than a thousand low-income health care consumers and advocates each year. In addition, we provide training and technical assistance to community-based organizations, legal services providers, and health care providers across the State.

Our clients come to us for help resolving a myriad of problems associated with obtaining and maintaining health care within our current construct. Some have problems accessing or maintaining public insurance; others have insurance but are unable to navigate the rules governing their coverage so they either lose their coverage or go without care. Many come to us mired in medical debt because they were uninsured or underinsured when they became ill or injured. Our clients often have difficulty learning the rules governing public health insurance programs and appropriately navigating a complicated health care system to obtain medically necessary care. Their situation is often complicated by limited English proficiency (LEP) and the language barriers they face as a result.

New York City is a diverse city comprised of people from all over the world. As Mayor Michael Bloomberg pointed out in Executive Order No. 120, a quarter of New York's population are LEP individuals. We want to make sure that language barriers do not block individuals from accessing the health care coverage they are entitled to. The procedures set forth by the Mayor's Executive Order No. 120 can positively impact the LEP population. We appreciate the Mayor's efforts to address the inequalities in accessing public services for individuals with LEP.

We are grateful for the opportunity to come before you today and present our concerns regarding language access problems within New York's Medicaid program. Many of the LEP clients we assist receive services through the Medicaid program. Therefore we believe it is crucial that the Human Resources Administration, which oversees the Medicaid program, be proactive in executing the Language Access Implementation Program. As HRA reports in its Language Access Implementation Plan, more than a quarter of its active cases are made up of LEP clients. As HRA goes forward with its Language Access Implementation Plan, we would like to raise a few key issues that we believe require particular attention.

Providing Translated Materials

In compliance with Local Law 73 and Executive Order 120, HRA has reported that all required documents have been translated into the six covered languages: Arabic, Chinese, Haitian Creole, Korean, Russian, and Spanish. Although the translated materials are now

Testimony of the Legal Aid Society, May 7, 2009

Page 1 of 5

available, we continue to receive complaints from LEP clients that they are receiving documents from HRA in English and Spanish only. To ensure compliance with language access requirements, HRA must implement a system for correctly identifying each applicant/recipient's preferred language of communication.

We are concerned that many applicants/recipients are incorrectly coded in HRA's database and ask that HRA take necessary steps to ensure that no applicant/recipient be barred from receiving the health care benefits they are entitled to solely on the basis of language capabilities. While we appreciate HRA's recognition of the importance of providing clients with materials in their primary language, we understand that this policy can only be effective with thorough and complete follow through.

An all too common example of the language barriers presented when LEP applicants/recipients receive documents from HRA only in English is the failure to recertify Medicaid or Family Health Plus cases of otherwise eligible recipients. Each month many LEP applicants/recipients fail to recertify for public health insurance and lose their health insurance coverage simply because they do not understand the materials they receive. Many of these recipients discover they have lost their health benefits only when they later need health services. They are then forced to reapply for Medicaid coverage. This process can take months and many are forced to go without medical care as they await new decisions on their application. These gaps in coverage increase "churning" and administrative costs to Medicaid associated with processing new applications as well as threaten New Yorkers' health and well-being.

Ms. M is one of many clients we have assisted following the loss of benefits. Ms. M received a recertification notice from HRA, but it was sent to her in Spanish and English only. Ms. M's primary language is Haitian-Creole. Since she did not understand the mailing, Ms. M put it aside intending to have someone interpret it. The termination notice that followed this mailing was also issued in English and Spanish. Unfortunately, Ms. M's Medicare Savings Program was terminated. She did not realize she had a problem until her Social Security checks decreased by the Medicare Part B premium of \$96.40. Unable to figure out why she had this deduction, Ms. M sought help from her daughter. Once Ms. M's daughter contacted our helpline in October 2008, we were able to restore Ms. M's Medicare Savings Program.

Unnecessary terminations of coverage, the resulting barriers to accessing health care services, and the financial hardships they create can be avoided with increased efforts to correctly identify each recipient's preferred language and send out properly translated materials in each of these languages.

Training of Medicaid Staff

To ensure that all LEP applicants/recipients are fully able to access services, all staff at local Medicaid offices need to be trained on the availability of interpreters and translated materials as well as on cultural sensitivity in interacting with LEP applicants/recipients. We see that HRA has incorporated staff trainings into their language access plan and want to highlight the importance of this key step and ensure its full and effective implementation.

Medicaid staff serve as the face of the Medicaid program for the general population. People go to their local Medicaid offices when they are experiencing problems with their Medicaid case or to apply for public health insurance. We are concerned because we often hear complaints from LEP clients about their experiences at their local Medicaid offices. LEP clients report that they are often forced to wait for hours or told to return on another date because of the unavailability of interpreters. LEP clients also complain of being spoken to in a condescending manner because of their LEP status.

For example, Mr. C went to his local Medicaid office in March 2009 to try and close his family's Medicaid case. He requested a Mandarin speaker but was told that he would need to wait for at least an hour for the Mandarin speaking staff person to return. He tried communicating with the other staff but had difficulty. He asked for a receipt to show that his family's Medicaid case was closed but was told that the Medicaid office is not a store and doesn't provide receipts. When the Mandarin speaking staff person returned, Mr. C tried to speak to her, but she informed him that she could not assist him unless she was directed to do so by the other Medicaid staff members. While he was finally able to obtain proof that his family's Medicaid case was closed from an English speaking staff member, he was understandably upset by this experience.

Such experiences unfairly discourage LEP applicants/recipients from going to the Medicaid office to address problems they are experiencing with their Medicaid cases or to file Medicaid applications. These situations can be avoided if Medicaid staff and representatives are properly trained on how to interact with LEP applicants/recipients and how to request interpretation services. LEP applicants/recipients should not have to face roadblocks to obtaining or maintaining Medicaid coverage on the basis of their language abilities.

IREA's Compliance with Language Access:

We are particularly concerned with the Investigation, Revenue, and Enforcement Administration's compliance with the Language Access Implementation Plan. We have seen many cases where LEP clients have received letters of investigation from IREA regarding their Medicaid/Family Health Plus cases in English and Spanish although they do not understand either language.

These letters often direct clients to meet with Investigators and request clients to bring a list of documents. Sometimes the letters detail the amount that IREA is seeking from the client and the alleged reason and time period of ineligibility for Medicaid/Family Health Plus coverage. These letters do not mention the right to an interpreter. Clients often rely on Community Based Organizations or family members to translate these letters. In many cases, clients rely on family members to serve as interpreters with Investigators as well.

For example, Mr. and Mrs. O are Russian speakers. Ms. O indicated on the 2008 Medicaid recertification that her preferred language for reading and speaking is Russian. Nonetheless, the Os received a letter of investigation from the Division of Claims and Collections in English telling them that they were ineligible for Medicaid coverage and asking

for repayment. They had to rely on their son to translate the letter they received and to communicate with the Investigator.

Similarly, Ms. S, a Polish-speaker, indicated on her 2008 recertification that her preferred language for speaking and reading is Polish. Yet she received a letter of investigation in English from the Division of Claims and Collections in February 2009. The notice stated that if she did not respond or provide additional information, her case may be closed. Luckily, Ms. S went to her local Community Based Organization to obtain a translation of what the letter said and they referred her case over to our office.

These are just a few of the examples of IREA's failure to comply with HRA's Language Access Implementation Plan that we have seen. We are very concerned about language access problems with IREA because these investigations can have severe financial and potential criminal consequences for the Medicaid/Family Health Plus recipients under investigation. Therefore, it is essential that they are able to understand the reason they are being investigated, what documentation they are being asked for, and their right to an interpreter and translated materials. The burden to find interpretation should not be placed on the recipient, but must be provided by IREA under HRA's Language Access Implementation Plan.

Increasing Awareness

To ensure that all LEP applicants/recipients understand that they have a right to interpreters and translated materials, we ask that HRA increase public awareness of the availability and right to these services. We appreciate HRA's attempts to increase public awareness of the available free interpretation services through the HRA website. While HRA's website includes a "translate this" button which can translate website content into multiple languages, the button is written only in English and therefore many applicants/recipients will be unable to use this application without outside help.

Additionally, many LEP applicants/recipients either do not use the Internet on a regular basis or do not readily have access to the Internet. Therefore, we encourage HRA to pursue other means of publicizing the right to and availability of interpretation services including increased advertising in multiple languages on public transportation and postings in public areas besides local Social Services Offices. LEP applicants/recipients need to be aware of their rights to access HRA services in their primary languages so they feel empowered to request such services.

Follow Up and Feedback

Finally, we ask that Office of Immigrant and Refugee Affairs (ORIA), the designated Language Access Coordinator for HRA, closely monitor compliance of the Language Access Implementation Plan and allow for feedback from advocates. As a measure to monitor compliance, we encourage ORIA to conduct secret shopper surveys of IREA offices, local Medicaid offices, and the Medicaid hotline.

We look forward to working with ORIA to ensure that all those entitled to public health insurance are able to access these services regardless of English proficiency. We ask for close

monitoring of compliance with Local Law 73 and Executive Order 120 at IREA offices and local Medicaid offices, especially those where language access complaints arise the most. We appreciate that HRA has included tracking of limited English speaking ability (LESA) clients as part of its plan, and hope that this data will be provided to advocates.

LEP applicant/recipients deserve the same right to access to public health insurance programs as those who are English proficient. We appreciate the Mayor's efforts to ensure this right. We hope that as we move forward, we will improve language access services and diminish the language barriers that so often block LEP applicant/recipients from obtaining necessary health care coverage and services.

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☐ in favor ☐ in opposition

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(PLEASE PRINT)

Name: RICHARD LEE

Address: 108 NORFOLK ST

I represent: ASIAN AMERICANS FOR EQUALITY

Address: 108 NORFOLK ST NY, NY 10002

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Name: Han Zhong Chen

Address: 81 Bowery

I represent: CAAAY / Chinatown Tenants Union

Address: 191 E. 3rd St. #1

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Name: Daniel Coates

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I represent: Make the Road New York

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Name: Elizabeth Weinstein

Address: _____

I represent: Mayor's office of Operations

Address: 253 Broadway, N.Y., N.Y. 10038

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Date: 5/7/09

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Name: Guillermo Linares, Commissioner

Address: Mayor's office of Immigrant Affairs

I represent: _____

Address: 100 Gold Street, NY NY 10038

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(PLEASE PRINT)

Name: Amy Taylor

Address: 350 Broadway 6th fl

I represent: Legal Services NYC

Address: 350 Broadway

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Name: Teresa Engst / Legal Aid Society

Address: 199 Water St. New York, NY 10038

I represent: _____

Address: _____

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