



## **AUXILIARY AIDS AND SERVICE PLAN**

### **PURPOSE:**

To provide auxiliary aids and services in ensuring accessibility to all programs, benefits, and services to persons with disabilities and foreign language interpreters for persons with Limited English Proficiency.

**POLICY:** Tomorrow's Rainbow adheres to the requirements set forth by the Department of Children and Families and the Department of Health and Human Services regarding provision of interpretive services. Tomorrow's Rainbow, Inc. ensures non-discriminatory and respectful services to clients and families by employing both internal and external cultural competency practices. Ongoing improvement and widespread dissemination of these efforts' evidences Tomorrow's Rainbow, Inc. commitment to the provision of culturally appropriate services and care. Tomorrow's Rainbow Inc. accommodates, facilitates, treats, and assists clients with a variety of diagnoses, disorders, and disabilities.

### **GENERAL CONSIDERATIONS:**

All clients are entitled to an equal opportunity to use and benefit from the program and services. This includes language access to ensure that programs and services are equally accessible to and equally effective for otherwise qualified persons with hearing or visual impairment or Limited English Proficiency (LEP).

The Health and Human Services Department's Non-discrimination Policy, Limited English Proficient and Interpreter Services for the Deaf and Hard of Hearing posters will be displayed in the organization's office area. The name, telephone number, and TDD number for the 504/ADA Coordinator or Civil Rights Officer will be listed on the poster for the Deaf and Hard of Hearing to ensure accessible services to customers and companions. The Single-Point-of-Contact will also be included on the poster. The Single-Point-of-Contact is the individual charged with coordinating services to customers and companions who are deaf and hard of hearing according to the Tomorrow's Rainbow's obligations under Section 504 and/or the ADA. The Executive Director is the Single-Point-of-Contact.

All new employees are orientated on the Americans with Disabilities Act of 1990. All staff will receive training, annually, on how to aid persons with disabilities and persons who are Limited English Proficient via the DCF electronic webinar training. All new employees must complete the Attestation of Understanding after completing the training.

## Definitions:

**Companion** - As defined in the HHS Settlement Agreement, is any individual who is Deaf and Hard of Hearing (including LEP who has low vision or blind, Deaf and Hard of Hearing) and is one of the following:

- (1) A person whom the customer indicates should communicate with DCF staff about the customer, such as a person who participates in any treatment decision, a person who plays a role in communicating the customer's needs, condition, history, or symptoms to DCF staff, or a person who helps the customer act on the information, advice, or instructions provided by DCF staff;
- (2) A person legally authorized to make healthcare or legal decisions on behalf of the customer; or
- (3) Such other person with whom staff would ordinarily and regularly communicate about the customer.

**Limited English Proficient (LEP)**. Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English.

**Single Point of Contact** - The Executive Director/CEO is the identified Single-Point-of-Contact (SPOC).

## Procedure:

### I. For Persons who are Deaf and Hard of Hearing

1. A potential client who may be in need of interpretive services for hearing or language may be identified by staff.
  - a. The staff will inform their immediate Supervisor who will inform the Single-Point-of-Contact.
  - b. The CEO or the supervisor will conduct an assessment to determine the customer or companion's preferred method of communication. The SPOC shall consult with the customer to determine his or her preferred communication method, and if applicable, with assigned staff, parents, family members, guardians or other representative. The SPOC or supervisor will meet with the client and complete the Request by Customer or Companion Who is Deaf or Hard of Hearing for Free Communication Assistance form (this form is also used for clients who need language assistance).
2. For resources on how to request Auxiliary Aid on behalf of a Deaf/HOH client, see approved methods below:
  - a. The Florida Coordinating Council for the Deaf and Hard of Hearing:  
[www.fccdhh.org](http://www.fccdhh.org)

- b. Center for Independent Living of South Florida (Auxiliary Aids and Services for persons with disabilities): <https://www.cilsf.org/interpreting-services-business>
    - c. Interpreting Services for the Deaf, LLC: <http://www.isdterps.com/company.html>
    - d. Signs of Excellence (ASL, English sign, Deaf-Blind): <http://signsofexcellencellc.com/florida/>
  3. Foreign language interpreters can be found at the following sources:
    - a. South Florida Translations: <https://www.southfloridatranslations.com/interpreting-services/>
    - b. Lingua Language Center: <https://www.linguaschool.com/>
  4. The communication options for persons who are Deaf and Hard of Hearing may include but are not limited to the CART, Florida Relay Service, VRS, VRI, TDDs (Telecommunication Devices for the Deaf), FAX (Telephone Facsimile Transmittal), phone amplifiers, qualified or certified sign language interpreters, flash cards, lip-reading, written notes, supplementary hearing devices, charts, signs or a combination of these, as appropriate.
  5. For each interpretive service, the staff utilizing the service will complete the Customer or Companion Communication Assessment and Auxiliary Aid and Service Record form. The form will be maintained in the client file. A copy of this form will be given to the SPOC by the end of the day of service.
  6. The use of auxiliary aids, certified sign language interpreters, or translators will be at no cost to the customer or companion.
  7. Each client or companion shall be provided a Customer or Companion Feedback form for each interpretive service. The client or companion may send the form directly to the address listed on the form. This form will not be maintained in the client file.
  8. The SPOC will complete the monthly HHS report by the 5<sup>th</sup> of each month at: [https://fs16.formsite.com/DCFTraining/Monthly-Summary-Report/form\\_login.html](https://fs16.formsite.com/DCFTraining/Monthly-Summary-Report/form_login.html)
  9. Customer or Companion Communication Assessment and Auxiliary Aid and Service Record forms will be kept on site for two (2) years.

## **II. For Persons who have Low Vision or Blind (Except those that are Deaf and Hard of Hearing)**

1. It is a common perception among the public that persons who are blind read Braille. Most persons who are legally blind do not use Braille as a reading medium. Among legally blind students registered as such by the American Printing House for the Blind, only 10 percent use Braille as their primary reading medium. It is estimated that 8 percent of all legally blind adults are able to use Braille.
2. It is important that staff determine the best method of communication for persons who have low vision or blind. While Braille may be offered as an alternative, always communicate with the customer to determine the best method of providing services to them in an equitable and effective manner.

3. Staff shall document in the client's file the type of auxiliary aid and service provided during their contact with the client.
4. Translation of Written Materials For Persons who have Low Vision or Blind (Except those that are Deaf and Hard of Hearing)
  - a. Translating documents to ensure effective communication will depend upon the customer or companions preferred method. Staff may be required to translate written documents in Braille, taped recordings or large print to ensure equal access to services offered.
  - b. Written material (vital documents) routinely provided in English to clients should be available in regularly encountered languages other than English. It is vital that documents be identified and translated into the non-English language of each regularly encountered Limited English Proficient group eligible to be served or to be directly affected.

### **III. Competency of Interpreters and Translators**

#### **1. For Persons Who are Deaf or Hard of Hearing:**

Employees utilized to interpret for the Deaf and Hard of Hearing by American Sign Language (ASL) shall meet or exceed the education and communication skills established by the following:

- a. An assessment by independent testing agency of an employee's ASL skills is required prior to utilizing an employee to interpret for a client or companion who is Deaf and Hard of Hearing.
- b. Interpreters must be credentialed as "certified" in the Registry of Interpreters for the Deaf (<http://www.rid.org/>)
- c. It is the responsibility of managers, supervisors and staff to become familiar with and follow the standards of etiquette when communicating with customers/clients with disabilities.
- d. It is the responsibility of the SPOC and supervisors to ensure the competency of qualified and certified sign language interpreters.

#### **2. For LEP Persons:**

When providing oral assistance to LEP clients or companions, Tomorrow's Rainbow will ensure competency of the language service provider. Competency requires more than self-identification as bilingual. Some bilingual staff and community volunteers, for instance, may be able to communicate effectively in a different language when communicating information directly in that language, but may not be competent to interpret in and out of English. Likewise, they may not be able to do written translations. Competency to interpret, however, does not necessarily mean formal certification as an interpreter, although certification is helpful. When using interpreters, the SPOC will ensure that the interpreter:

- a. Demonstrates proficiency in and ability to communicate information accurately in both English and in the other language and identify and employ the appropriate mode of interpreting (e.g., consecutive, simultaneous, summarization, or sight translation);

- b. Have knowledge in both languages of any specialized terms or concepts peculiar to the program or activity and or any particular vocabulary and phraseology used by the LEP person;
- c. Understand and follow confidentiality and impartiality rules to the same extent the organization's employee for whom they are interpreting and/or to the extent their position requires;
- d. Understand and adhere to their role as interpreters without deviating into role as the organization's staff;
- e. Be able to show sensitivity to the person's culture.

If bilingual staff is used to interpret between English speakers and LEP persons or companions, or to orally interpret written documents from English into another language, the staff will be competent in the skill of interpreting. In addition, there may be times when the role of the bilingual employee may conflict with the roles of an interpreter. When bilingual staff cannot meet all of the language service obligations, then other options will be used.

It is the responsibility of the SPOC or designee to ensure the competency of foreign language interpreters and to ensure staff to become familiar with and follow the standards of etiquette when communicating with clients who are Limited English Proficient.

#### **IV. Provision of Interpreters in a Timely Manner**

##### **For Persons Who are Deaf or Hard of Hearing:**

1. Scheduled appointments must have a certified interpreter at the time of the scheduled appointment. If the interpreter fails to appear, staff shall take whatever additional actions are necessary to make a certified interpreter available to the customer or companion as soon as possible, but in no case later than two (2) hours after the scheduled appointment, or as convenient to the customer or companion.
2. Non-scheduled appointments or non-emergency situations require a certified interpreter within two (2) hours of the request, or at least by the next business day.
3. Emergency situations require an interpreter be made available as soon as possible, but in no case later than two (2) hours from the time the customer or companion requests an interpreter, whichever is earlier.

##### **V. For Persons with Limited English Proficiency (LEP):**

When interpretation is reasonable and is needed, staff shall provide interpreters in a timely manner. To be meaningfully effective, language assistance should be timely. While there is no single definition for "timely" applicable to all types of interactions at all times by all types of recipients, one clear guide is that the language assistance should be provided at a time and place that avoids the effective denial of the service, benefit, or right at issue or the imposition of an undue burden on or delay in important rights, benefits, or services to the LEP person.

The client's file shall be documented identifying the auxiliary aid or services provided, as well as any future services needed to ensure effective communication.

SPOC or designee will coordinate with counselor of record and client to arrange for interpretive services to be provided during treatment service provision.

## **VI. Other Means of Communication**

### **1. For Persons Who are Deaf or Hard of Hearing:**

Staff shall continue to try to communicate with the customer or companion who is Deaf and Hard of Hearing insofar as the customer or companion seeks to communicate, between the time an interpreter is requested and the time an interpreter arrives.

- a. The use of assistive devices (vibratory alarms) will be incorporated with relevant services (tactile communication) for persons with multiple disabilities such as deafness and blindness.
- b. If the individual declines the use of the sign language interpreter or other auxiliary aids, this must be documented in the client's file using the Customer or Companion Request for Free Communication Assistance or Waiver of Free Communication Assistance form. The signing of this form does not waive the responsibility of the Tomorrow's Rainbow to ensure effective communication; meaning the client's right to waive services does not void Tomorrow's Rainbow from obtaining an interpreter to ensure effective communication occurs.
- c. Family members, children (adult or minor), friends, and untrained volunteers should never be used as an interpreter.

### **2. For LEP Persons:**

Staff shall continue to try to communicate with the client insofar as the client seeks to communicate, between the time an interpreter is requested and the time an interpreter arrives.

- a. Language services include, as a first preference, the availability of qualified bilingual staff that can communicate directly with clients in their preferred language.
- b. When bilingual staff is not available, the next preference is face-to-face interpretation provided by a qualified contracted or volunteer language interpreter.
- c. Telephone interpreter services should be used as a supplemental system when an interpreter is not available, or when services are needed for unusual or infrequently encountered language.
- d. Minor children should never be used as an interpreter.
- e. Avoid using family members, children, friends and untrained volunteers as interpreters because it is difficult to ensure that they interpret accurately and lack ethical conflicts.

## **VII. Effectiveness of Communication for Persons Who are Deaf or Hard of Hearing**

In the event that communication is not effective or if the nature of the communication changes significantly after the initial communication assessment, staff shall reassess which appropriate auxiliary aids and services are necessary for effective communication. This shall be accomplished where possible in consultation with the person seeking the auxiliary aids or services.

## **VIII. Denial of Auxiliary Aids and Services for Persons Who are Deaf or Hard of Hearing**

1. After conducting the communications assessment, if the staff or SPOC determine the communication is not aid essential and does not warrant provision of the auxiliary aid or service requested by the customer or companion, the SPOC or staff person shall advise the person of the denial of the requested service. The staff member who made the determination will document the date and time of the denial, their name and title and the basis for the determination. The staff member will provide the customer (or companion, if applicable) with a copy of the denial.
2. Staff shall record the denial of the requested auxiliary aid or service on the Customer or Companion Assessment and Auxiliary Aid and Service Record for persons who are Deaf and Hard of Hearing. Denials for other customers are to be documented in the client record.
3. Denial determinations can only be made by the SPOC.

## **IX. Single Point of Contact or Designee**

1. Shall annually review the financial needs of Tomorrow's Rainbow to continue providing interpretive services to organization clients and budget accordingly.
2. Shall document on monthly report accommodations made for clients who are deaf or hard-of-hearing or LEP.
3. Shall ensure all staff receives training in this operation order and the three modules required by Florida Department of Children and Families training, "Serving our Customers who are Deaf or Hard-of-Hearing: (<http://myflfamilies.com/service-programs/deaf-and-hard-hearing/training>) annually.