

CA Language Assistance Program Requirements Questions and Answers

We have received many questions regarding the new California Language Assistance Program Requirements. We understand this may be the first you have heard of these regulations, so we compiled the following list of questions and answers to assist you in understanding the requirements. If you have further questions, please do not hesitate to contact your Group Account Representative.

Q: What means can we use for distribution of the material to our employees?

A: Email, Intranet postings, hard copy mailing, and/or your regular material distribution methods.

Q: What if we can't meet the deadline you provided?

A: We understand that the deadlines for distribution are short. Please do the best you can to distribute the notice as quickly as possible. Posting this information on the company intranet or emailing the notice are timely and efficient methods for engaging members. ASH must complete our analysis of the survey result by mid-February so timely distribution is critical to permit your employees enough time to respond to the survey.

Q: The regulation states it's the plan's responsibility to collect this information, why are you asking us to do it?

A: Yes, the regulation is clear that ASH is to conduct a survey to collect this information. The regulation also states that “**Plans may utilize existing processes and methods to distribute the linguistic needs survey**, including but not limited to, existing enrollment and renewal processes, subscriber newsletters, mailings and other communications processes.” ASH is collecting the survey information via web surveys and voice message centers. We are asking you to distribute the notice of the survey in accordance with our existing member material distribution process, as outlined in your group policy.

Q: I've never heard of this law, where does it state we have to do this?

A: The California Department of Managed Health Care and the California Department of Insurance recently adopted regulations that establish specific requirements for language services and require health plans and health insurers to survey the linguistic needs of their member populations. The regulations also order health plans and health insurers to obtain relevant demographic information, if members choose to provide this information. The specific regulations are as follows:

- For ASH Insurance Company groups, please see Cal. Ins. Code § 10133.8 and § 10133.9, as well as 10 CCR § 2538.1 et seq.
- For ASH Plans groups, please see Cal Health & Safety Code §1367.04 and §1367.07, as well as 28 CCR § 1300.67.04.

Q: We have read an article about health plans trying to get more information than necessary from their members and we're NOT to give out any further information.

A: ASH is requesting this information in accordance with regulations which **require** us to do so. ASH has strict policies that protect the personal information of your employees and their dependents, including race, ethnicity, and language preference, against inappropriate use and disclosure. The data ASH receives through this survey will only be used by ASH to assess the appropriate language assistance services needed by our members in California when they seek health care services provided under their ASH benefit plan.

Q: This looks to be racial profiling and we are not comfortable providing this to our employees.

A: The California Department of Managed Health Care and the California Department of Insurance recently adopted regulations that establish specific requirements for language services and require health plans and health insurers to survey the linguistic needs of their member populations. The regulations also order health plans and health insurers to obtain relevant demographic information, if members choose to provide this information. ASH shall not discriminate against members for any reason, including but not limited to age, sex, marital status, religion, ethnic background, national origin, political affiliation, ancestry, race, color, sexual orientation, health disability status or source or amount of reimbursement. The data will only be used by ASH to assess the appropriate language assistance services needed by our members in California when they seek health care services provided under their ASH benefit plan.

Q: If this is voluntary for our employees, your letter needs to state that. **A:** The notice to the members states that **if** they have a language need other than English, to please advise us of their preferred spoken and written language via the web or by telephone. If they do not have a language need other than English, or choose not to reply, they are not required to do so.

Q: All of our employees speak English, why do we need them to complete the survey?

A: The regulations require that we give all of our members the opportunity to inform us of not only their spoken language preference, but also their written language preferences. Even if your employees all speak English, they may prefer to receive communications from us in another language.

Q: What if we do not return the attestation?

A: The purpose of this survey is to help us meet the linguistic needs of our member population (your employees and their covered dependents). In accordance with your Group Policy, you have agreed to distribute member materials. We are asking for your assistance in giving your employees and dependents the opportunity to inform us of their language preferences so that we may better serve them.

Thank you for your assistance in complying with these regulations and providing the opportunity for your employees to share with us their language preferences.