

# California Language Assistance Program

for Cigna Health Care Professionals

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## OVERVIEW

- Effective January 1, 2009 California law (SB 853) and its accompanying regulations required that health plans establish and support a Language Assistance Program (LAP) for certain California residents who are limited English proficient (LEP).
- To support this requirement, Cigna has a California Language Assistance Program (CALAP) for eligible Cigna participants.

## OVERVIEW

### **To comply with the law, health plans must:**

- Conduct an assessment of customer demographics.
- Identify threshold languages into which vital documents must be translated.
- Collect and store customers' preferred languages, race, and ethnicity.
- Proactively send translated vital documents to customers in threshold languages.
- Translate vital non-standard documents upon request.
- Provide verbal interpretation at Cigna and health care professional points of contact.
- Provide training for all health plan staff that routinely interact with CALAP eligible health plan participants.
- Use qualified interpreters or bilingual staff that have knowledge of medical and health care benefit terminology in the non-English language.
- Document complaints about the Language Assistance Program (LAP).



# KEY DEFINITIONS AND TERMS

- **Limited English Proficient**

A limited English proficient (LEP) health plan participant is an health plan participant who has an inability or a limited ability to speak, read, write, or understand the English language on a level that permits that individual to interact effectively with health care professionals or health plan employees.

LEP patients can be identified by any of the following:

- Patient identifies themselves as LEP by requesting language assistance
- Patient has trouble communicating in English or you may have trouble understanding what they are trying to communicate
- Patient is unusually quiet and does not respond to questions
- Patient simply answers “yes” or “no” or gives inappropriate and inconsistent answers

- **Threshold Language(s)**

Threshold language(s) are identified by a health insurer pursuant to California Insurance Code section 10133.8 and regulations into which vital documents shall be translated. **Cigna has determined its threshold languages to be Spanish and Traditional Chinese.** Cigna participants that register a written language preference with Cigna for Spanish and Traditional Chinese will have access to translated vital documents.

# KEY DEFINITIONS AND TERMS

- **Translation**

Written word. It is the conversion of a written text in one language into a written text in a second language corresponding to and equivalent in meaning to the text in the first language. Cigna will translate written documents into Spanish and Traditional Chinese.

- **Language Assistance Program (LAP) Notice of Translation**

Written notice of the availability of translation services, free of charge, **must accompany all vital documents**. Medical groups delegated for utilization management (UM) or claims must send the LAP notice with all vital documents. Examples of vital documents include utilization management denials, and claim denials or notices requiring a response from the enrollee.

The Cigna LAP notice is in English, Spanish, and Traditional Chinese. The notice is available on the Industry Collaboration Effort (ICE) website:

[http://ice4health.org/library/documents/ICE\\_DMHC\\_Notice\\_of\\_Translation\\_Cigna\\_09-03-08\(1\).pdf](http://ice4health.org/library/documents/ICE_DMHC_Notice_of_Translation_Cigna_09-03-08(1).pdf)

# KEY DEFINITIONS AND TERMS

- **Interpretation**

Spoken word. The process of listening, understanding, and analyzing something spoken or reading something written in one language (source language) and orally re-expressing that message faithfully, accurately, and objectively in another spoken language (target language), taking the cultural and social context into account. According to the law, participants have the right to interpretation in any language.

Interpretation services are not limited to just Spanish and Chinese. Cigna provides telephonic interpreter services in all languages.

- **Vital Document**

Documents that provide Cigna participants with information on how to access services and benefits. They may be produced by the health plan or the production or distribution may be delegated to a contracting health care professional or vendor.

Examples of vital documents are: applications, consent forms, letters, denial notices, free language assistance notices, and explanation of benefits.

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# KEY DEFINITIONS AND TERMS

- **Vital Standard Document (VS)**

General documents that are not specific to a particular health plan participant. They are generic and repeatable. They must be proactively translated and sent by the health plan in threshold languages to participants who have a threshold language preference on file with the health plan.

- **Vital Non-Standard Document (VNS)**

A document containing enrollee-specific information, such as a service authorization or claim denial. The document is originally sent in English and translated upon request.

Examples:

- Notices pertaining to the denial, reduction, modification, or termination of services, benefits, and the right to file a grievance or appeal.
- An explanation of benefits (EOB) or similar claim processing document that is sent to the participant if the document requires a response from the participant.

# CIGNA LANGUAGE ASSISTANCE AT A GLANCE

- **Racial and Ethnic and Linguistic Diversity of Cigna's Membership**

Cigna collects participant language preference, race, and ethnicity data. Until we have a statistically valid number of participant records, we are using California demographic data as a proxy for our membership.

## **California Population Facts:**

- 42 percent of the California population (over five years old) speak a language other than English
- two top languages spoken in California:
  - 28 percent Spanish
  - 3 percent Chinese
- California racial and ethnic demographics:
  - 51 percent Caucasian
  - 24 percent Hispanic
  - 19 percent Asian
  - four percent African American
  - less than one percent American Indian or Alaskan Native
  - three percent two or more races

# CIGNA LANGUAGE ASSISTANCE AT A GLANCE

- **Participant Eligibility**

The Language Assistance Program only impacts membership under the jurisdiction of the Department of Managed Health Care (DMHC) and the California Department of Insurance (CDI). To ease administration for health care professionals however, Cigna is providing language services to all Cigna health plan participants residing in California, regardless of product or funding.

- **Threshold Languages**

Cigna has determined its threshold languages to be Spanish and Traditional Chinese.

- **Contracts**

Physician, medical group, facility, or other health care professional contracts that are issued, amended, delivered, or renewed as of January 1, 2009 require compliance with Cigna's Language Assistance Program.

- **Sharing Enrollee Preferred Language**

Cigna shares participant language preferences with contracted medical groups that are delegated for utilization management and claims through the eligibility vendor, PRNLink, Inc. They are shared with directly contracted physicians and other health care professionals upon request. Race and ethnicity data will not be shared.

# CIGNA LANGUAGE ASSISTANCE AT A GLANCE

- **Translation Services**

Cigna performs all translation services of vital documents in the threshold languages – Spanish and Traditional Chinese. Cigna contacts the medical group to obtain documents for translation upon the request of the Cigna participant.

Translation services are not delegated to medical groups.

- **Interpreter Services**

Cigna offers free telephonic interpretation for Cigna LEP participants through our language service vendor. Cigna provides telephonic interpreter services in all languages.

Cigna does not delegate interpreter services to medical groups.

- **Reporting**

Regulations require tracking and trending of LAP complaints.

Example: the physician or other health care professional is unable to meet the patient's cultural, language, ethnic, racial needs, or preferences. This includes but is not limited to:

- not having interpreters available
- being intolerant of an enrollee's health-related or cultural beliefs
- refusal to provide an interpreter

# TRANSLATION REQUIREMENTS

- **Translation (written word) of Vital Documents**

Cigna performs all translations. Translation services are not delegated to medical groups or other health care professionals.

Specific documents generated by a medical group delegated for utilization management and claims that must be translated upon a Cigna participant's request include:

- Notices pertaining to the denial, reduction, modification, or termination of services, benefits, and the right to file a grievance or appeal.
- An EOB or similar claim processing document that is sent to the participant if the document requires a response from the participant.

If a participant requires help, the LAP Translation Notice instructs them to call Cigna at 1.800.244.6224.

Translations must be sent within 21 days of a participant's request. Cigna will contact the medical group for a copy of the letter to be translated.

Medical groups delegated for utilization management and claims should send Cigna their contact information so we may obtain English copies of letters to translate (upon request by a Cigna participant).

English letters to be translated can be sent to Cigna's Cultural and Linguistic Unit translation e-mail address: [Culturalandlinguisticsunit@Cigna.com](mailto:Culturalandlinguisticsunit@Cigna.com) or by fax to: 1.866.931.3068. Follow standard operating procedures to securely send Protected Health Information using encryption.



# TRANSLATION REQUIREMENTS

- **Sample of a Translation Notice**

**IMPORTANT:** Can you read this letter? If not, we can have somebody help you read it. You may also be able to get this letter written in your language. For free help, please call right away at CIGNA 1-800-244-6224. **(English)**

**IMPORTANTE:** ¿Puede leer esta carta? Si no, alguien le puede ayudar a leerla. Además, es posible que reciba esta carta escrita en su propio idioma. Para obtener ayuda gratuita, llame ahora mismo al CIGNA 1-800-244-6224. **(Spanish)**

**重要事項:** 您是否能閱讀此信?如果無法閱讀,我們將為您提供專員協助服務。我們也能將此信翻譯成您所使用的語言。欲洽詢免費服務,請立即致電 CIGNA 1-800-244-6224。 **(Traditional Chinese)**

# TRANSLATION REQUIREMENTS

- **Translation Timeliness**

Element	Minimum Policy Requirements
Request for translation of a non-standard vital document comes from the participant to the medical group or health care professional	<p><b>Urgent:</b></p> <ol style="list-style-type: none"><li>1. Forward the translation request and a copy of the document to the contracted health plan <b><i>within one business day.</i></b></li><li>2. Log the date the request is received from the participant, and the date the request and document were forwarded to the health plan.</li></ol> <p><b>Non-urgent:</b></p> <ol style="list-style-type: none"><li>1. Forward the translation request and a copy of document to the contracted health plan <b><i>within two business days.</i></b></li><li>2. Log the date the request is received from the participant, and the date the request and document were forwarded to the health plan.</li></ol>

# TRANSLATION REQUIREMENTS

- **Translation Timeliness**

Element	Minimum Policy Requirements
Request for a non-standard vital document comes from the health plan to the medical group or health care professional	<p><b>Urgent:</b></p> <ol style="list-style-type: none"><li>1. Forward a copy of the document to the contracted health plan <b><i>within one business day.</i></b></li><li>2. Log the date the request is received, and the date the request and document were forwarded to the health plan.</li></ol> <p><b>Non-urgent:</b></p> <ol style="list-style-type: none"><li>1. Forward a copy of the document to the contracted health plan <b><i>within two business days.</i></b></li><li>2. Log the date the request is received, and the date the request and document were forwarded to the health plan.</li></ol>

# TRANSLATION REQUIREMENTS

- **Translation Timeliness**

Element	Minimum Policy Requirements
Request for a plan-produced vital document comes from the participant to the medical group or health care professional	<b>All plan-produced vital documents:</b> <ol style="list-style-type: none"><li>1. Forward the participant's request <i>within one business day</i>.</li><li>2. Log the date the request is received from the participant, and the date the request and document were forwarded to the health plan.</li></ol>

## INDEPENDENT MEDICAL REVIEW

- Informational notices about how to contact a plan, file a complaint, obtain assistance from the DMHC, and seek an Independent Medical Review (IMR) are available in non-English languages on the DMHC website at: [www.hmohelp.ca.gov](http://www.hmohelp.ca.gov).
- IMR forms available in English, Spanish, Arabic, Armenian, Chinese, Farsi, Hmong, Khmer Cambodian, Korean, Lao, Russian, Tagalog, and Vietnamese are available at: [http://www.dmhc.ca.gov/dmhc\\_consumer/pc/pc\\_imrapp.aspx](http://www.dmhc.ca.gov/dmhc_consumer/pc/pc_imrapp.aspx)

# INTERPRETATION REQUIREMENTS

- **Interpreter Access (spoken word)**

- Cigna does not delegate interpreter services to medical groups.
- Cigna offers free telephonic interpretation for Cigna LEP participants through our language service vendor.
- The Cigna Reference Guide for California provides interpreter access instructions (as outlined below).
- To engage an interpreter once the Cigna participant is ready to receive services, please call toll free at **1.800.806.2059**. You will be asked to confirm eligibility to access interpretation services:
  - Once connected, you will be asked to enter the participant's Cigna ID number, date of birth, and your Tax ID number (pharmacists will need NCPDP number).
  - Once eligibility is verified, you will be connected with the language vendor.
  - The language vendor will collect information that is required for regulatory reporting.
  - We appreciate your patience with the process to connect you with an interpreter as rapidly as possible.
- It is not necessary to arrange for these services in advance.

# INTERPRETATION REQUIREMENTS

- **Health Care Professional Based Interpretation**

- A professionally trained **interpreter must be offered** when a LEP participant is accessing care in any health care professional setting (e.g., pharmacy, physician office, emergency room). Use of family and friends as interpreters, especially minors, should be discouraged.
- **Document interpreter refusal in the patient medical record** when a patient prefers to use a family member or friend to provide interpretation services, after she or he has been told that a trained interpreter is available free of charge. This not only protects you and your practice, it also ensures consistency when your medical records are monitored through site reviews or audits by contracted health plans to ensure adequacy of the plan's Language Assistance Program.
- Smart practice tips:
  - If a Cigna customer prefers to use a family member or a friend as an interpreter, consider using a telephonic interpreter in addition to ensure accuracy of the interpretation.
  - Document the patient's preferred language in paper or electronic medical records (EMR) in the manner that best fits practice flow. For example: for paper records, post colored stickers on the patient chart to flag when an interpreter is needed (e.g., orange for Spanish, green for Russian).

## MEDICAL GROUP RESPONSIBILITIES SUMMARY

- Insert or include Language Assistance Notification on Vital Non-standard documents.
- Provide the English copy of letters to be translated in a timely manner (per the Translation Timelines).
- Offer telephonic interpreter services to Cigna LEP participants (refer to the Reference Guide for interpreter access information).
- Provide training to staff as needed to allow for a general awareness of SB 853, its requirements, and how to access health plan services.
- Execute contract upon renewal beginning January 1, 2009.

# RESOURCES

- **ICE Approved Documents:**

- <http://ice4health.org/library.asp?sf=&scid=1618#scid1618>

- Frequently Asked Questions
  - Interpreter Quality Standards
  - Tips for working with Interpreters
  - Tips for Working with Limited English Proficient Members
  - Tips for Documenting Refusal of Interpreter Services

- **Senate Bill 853:** [http://www.leginfo.ca.gov/pub/03-04/bill/sen/sb\\_0851-0900/sb\\_853\\_bill\\_20031009\\_chaptered.html](http://www.leginfo.ca.gov/pub/03-04/bill/sen/sb_0851-0900/sb_853_bill_20031009_chaptered.html)

- **DMHC 1300.67.04 Language Assistance Programs Regulations:** [http://wps0.dmhc.ca.gov/regulations/CCR2008P/webhelp/2008P\\_Title\\_28.htm](http://wps0.dmhc.ca.gov/regulations/CCR2008P/webhelp/2008P_Title_28.htm)

- **CDI 2538.3. Language Assistance Program Regulations:** [http://www.iceforhealth.org/library/documents/CDI\\_LAP\\_FINAL\\_APPROVED\\_2007\\_0915.doc](http://www.iceforhealth.org/library/documents/CDI_LAP_FINAL_APPROVED_2007_0915.doc)

## FREQUENTLY ASKED QUESTIONS

- **Can I use my bilingual staff as interpreters?**

Cigna does not delegate interpreter services:

- The law obligates health plans to provide and monitor the delivery of qualified interpreter services to LEP patients at all points of contact in order to ensure meaningful access to health care. Cigna provides telephonic interpreter services.
- The law neither requires a LEP participant to access the health plan's interpreter services, nor prevents a LEP participant from speaking with bilingual health care professional staff.
- It is strongly recommended that health care professionals help LEP patients make informed decisions about when to use highly skilled, qualified interpreters at no cost to LEP patients or health care professionals.
- The plan's interpreters are trained in medical and insurance terminology, in addition to being proficient in—and culturally sensitive to— diverse ethnic and linguistic nuances.
- LEP patients may prefer to rely upon the objectivity, accuracy, and confidentiality of professional interpreter services.
- However, if the LEP patient refuses to access Cigna's interpreter services, it is recommended that the health care professional document that refusal in the patient's medical record.

## FREQUENTLY ASKED QUESTIONS

- **Do these regulations prohibit family members from serving as interpreters for participants?**

No. Family members are not banned from serving as interpreters for participants under this legislation however, the availability of free, quality interpretation services must be offered. Refusal of an interpreter needs to be documented in the patient's medical record.

- **Which staff needs training regarding the LAP program?**

To ensure compliance with the law, it is recommended that staff who interact with patients be trained on the Language Assistance Program regulations and how to access language services from Cigna.

**Questions?  
Contact your Cigna Representative  
for additional assistance.**

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