

CHAPTER 26 CULTURAL COMPETENCY AND MEMBER AND FAMILY CENTERED CARE

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REFERENCES: Civil Rights Act of 1964 Public Law § 88-352, 45 CFR 92.4, 42
CFR 438.206(C)(2); ACOM 405.

PURPOSE

This policy defines the Division of Developmental Disabilities (Division) requirements for contracted Qualified Vendors to provide service in a Culturally Competent manner.

DEFINITIONS

1. "Competent" means for the purpose of this policy properly or well qualified and capable.
2. "Culture" means the integrated pattern of human behavior that includes language, thought, communication, actions, customs, beliefs, values, and institutions of a racial, ethnic, religious or social group. Culture defines the preferred ways for meeting

needs and may be influenced by factors such as geographic location, lifestyle, and age.

3. “Cultural Competency” means, for the purpose of this policy at the interpersonal level, to acknowledge and understand the influence of cultural history, life experiences, language differences; values and disabilities have on individuals and families. At the organizational level, cultural competency means to have policies, procedures, standards, and training to support development of a cultural competence of the workforce.
4. “Disability Etiquette” means for the purpose of this policy, respectful ways to communicate with and about people with disabilities. An organization with a positive workplace Culture in terms of Disability Etiquette fosters opportunities for members of the workforce to develop basic understanding and ongoing opportunities to learn and refresh their knowledge.
5. “Family-Centered” means care that recognizes and respects the pivotal role of the family in the lives of Members. It supports families in their natural care-giving roles, promotes normal

patterns of living, and ensures family collaboration and choice in the provision of services to the Member. When appropriate, the Member directs the involvement of the family to ensure person-centered care.

6. “Interpretation” for the purpose of this policy means the act of verbally conveying the content and spirit of the original message, taking into consideration the cultural context.
7. “Language Assistance Service” means services including, but not limited to:
 - a. Oral language assistance, including Interpretation in non-English languages provided in the following manner but not limited to:
 - i. In-person by Qualified Interpreters,
 - ii. Over the phone by Qualified Interpreters,
 - iii. Video Remote Interpreting (VRI) by a Qualified Interpreter, or

- iv. Use of qualified bilingual or multilingual staff to communicate directly with individuals with Limited English Proficiency.
 - b. Written Translation, performed by a Qualified Translator, of written content in paper or electronic form into languages to and from English; and
 - c. Taglines.
8. “Limited English Proficiency (LEP)” means for purposes of this Policy, individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.
9. “Linguistic Need” means for the purposes of this Policy, the necessity of providing services in the Member’s primary or preferred language, including sign language, and the provision of Interpretation and Translation services.
10. “Member” means the same as “Client” as defined in A.R.S. § 36-551.

11. “Prevalent Non-English Language” means a language determined to be spoken by a significant number or percentage of Members who have a Limited English Proficiency, for the purpose of this policy include Spanish, and Navajo.
12. “Person First Language” means communication that emphasizes the individuality, equality and dignity of a person with disabilities in an effort to convey respect by emphasizing that disability is only one aspect of an individual.
13. “Qualified Interpreter” means, for the purpose of this policy, an interpreter who via over the phone, video remote interpreting (VRI) service, or an on-site appearance:
 - a. Adheres to generally accepted interpreter ethical principles and standards of practice, including client confidentiality,
 - b. Is able to interpret effectively, accurately, and impartially, both receptively and expressly, to and from such language(s) and English, using any necessary specialized vocabulary, terminology and phraseology, considering cultural appropriateness, and

- c. Has demonstrated proficiency in speaking and understanding both spoken English and at least one other language.
14. “Qualified Translator” means for the purpose of this policy, a translator who:
- a. Adheres to generally accepted translator ethic principles and standards of practice, including client confidentiality;
 - b. Has demonstrated proficiency in writing and understanding both written English and at least one other written non-English language; and
 - c. Is able to translate effectively, accurately, and impartially to and from such languages and English, using any necessary specialized vocabulary, terminology and phraseology, considering cultural appropriateness.
15. “Support Coordinator” means the same as “Case Manager” under A.R.S. § 36-551.
16. “Translation” for the purpose of this policy means the conversion of written communication, while taking into consideration the

cultural context, content and spirit of the message, while maintaining the original intent.

POLICY

A. CULTURAL COMPETENCY PLAN

1. Qualified Vendors shall have a comprehensive Cultural Competency Plan (CCP) that is inclusive of those with Limited English Proficiency (LEP) and diverse cultural and ethnic backgrounds, disabilities, race, color, national origin, age, and regardless of sex, gender, sexual orientation, or gender identity. This policy defines the requirements for Qualified Vendors to provide services in a Culturally Competent manner,
2. Qualified Vendors shall provide culturally competent services including the use of:
 - a. Disability Etiquette and Person First Language when supporting individuals who have disabilities.
 - b. Establishing an effective communication strategy when considering acceptance of a referral.

- c. Taking reasonable steps to meaningful access to service for individuals with LEP.
- d. Providing written information in Prevalent Non-English Languages in its particular service area.
- e. Providing Interpretation services at no charge for all non-English languages, not just those identified as prevalent.

B. INTERPRETATION AND TRANSLATION SERVICES

- 1. Qualified Vendors shall provide Translation and Interpretation services that are accurate, timely, and that protect the privacy and independence of the individual with LEP.
- 2. The Qualified Vendor shall provide Translation services through a Qualified Translator, and Interpretation services shall be provided by a Qualified Interpreter.
- 3. The Qualified Vendor shall always, first offer and encourage use of Qualified Interpreter services. Members are permitted to use an adult accompanying the Member with LEP for Interpretation in the following situations:

- a. When danger is imminent or there is a threat to the welfare or safety of the Member, and no Qualified Interpreter is immediately available.
- b. After receiving an offer and recommendation to use a Qualified Interpreter:
 - i. The Member with LEP requests the accompanying adult to interpret or facilitate the communication,
 - ii. The accompanying adult agrees to provide communication assistance; and
 - iii. Reliance on the accompanying adult for assistance is reasonable under the circumstances.
- c. Qualified Vendor workforce shall advocate for use of qualified Interpretation services when an adult accompanying the Member is providing communication assistance and:
 - i. There is a concern that the Interpretation is not accurate; or

- ii. The content of the conversation is potentially inappropriate to be shared or provided with the accompanying adult.
4. Qualified Vendors shall only rely upon minor children for Interpretation assistance:
 - a. In an urgent emergency situation when danger is imminent, or there is a threat to the welfare or safety of the Member, and there is no Qualified Interpreter immediately available.
 - b. The Qualified Vendor shall follow up with a Qualified Interpreter to verify information after the emergency is over.
5. Qualified Vendor workforce shall not rely upon an accompanying adult or child to provide Translation of any documents to and from English to another language; documents shall only be translated by a Qualified Translator.
6. Qualified Vendors shall use licensed interpreters for the Deaf and the Hard of Hearing and provide auxiliary aids or licensed sign

language interpreters that meet the needs of the Member upon request.

- a. Auxiliary aids include but are not limited to:
 - i. Computer-aided transcriptions,
 - ii. Written materials,
 - iii. Assistive listening devices or systems,
 - iv. Closed and open captioning; and
 - v. Other effective methods of making aurally delivered materials available to persons with hearing loss.
- b. The Arizona Commission for the Deaf and the Hard of Hearing provides a listing of licensed American Sign Language (ASL) interpreters, information on auxiliary aids, and the complete rules and regulations regarding the profession of ASL interpreters in the State of Arizona.
- c. The Division's website lists agencies that provide interpreting services that Qualified Vendors can contract to provide language services to Members who speak other languages or use sign language.

7. The Division shall identify Members requiring language support through service planning, vendor call, and service identification processes.
8. Qualified Vendors, after reviewing and accepting an authorization for a Member, shall ensure the Member has access to all services and communication with the Qualified Vendor, from the initial contact through the conclusion of services provided to the Member, in the Member's language, this can be accomplished through:
 - a. Identifying Members of their workforce who speak the primary language of the Member, or
 - b. Utilizing Qualified Interpreters who are a part of the Qualified Vendor's workforce, or
 - c. Providing language accessibility through a subcontracted Qualified Interpreter who communicates in the Member's language, including American Sign Language.

9. Qualified Vendors may be reimbursed by the Division for subcontracting Qualified Interpreting services for non-prevalent languages.
 - a. The Division does not reimburse for Interpretation of prevalent languages which are English, Spanish, or Navajo.
 - b. Qualified Vendors must bill separately through the claims submission process and by utilizing the Division's Rate Book.

C. CULTURAL COMPETENCY PLAN

Qualified Vendors shall develop and maintain a Cultural Competency Plan which includes:

1. A method to provide Interpretation and Translation services to Members who need them,
2. A method to notify Members with LEP about the availability of language assistance at no cost,
3. A plan to recruit staff who speak languages other than English,
4. A description of staff training on Cultural Competency and how to apply the training when supporting Members,

5. A method to obtain feedback from Members and families to ensure their cultural and individual needs and preferences are respected.
6. Policies which the vendors use to implement the plan must be made available to members.

D. FAMILY-CENTERED AND CULTURALLY COMPETENT CARE

Qualified Vendors shall provide Member, Family-Centered, and Culturally Competent care in all aspects of the service. Member and Family-Centered care includes:

1. Recognizing the family as the primary source of support for the Member's health care decision-making process. Service systems and personnel shall be made available to support the Member and family's role as decision makers.
2. Promoting a complete exchange of unbiased information between Members, families, and health care professionals in a supportive manner at all times.

3. Recognizing cultural, racial, ethnic, geographic, social, spiritual, and economic diversity and individuality within and across all families.
4. Implementing practices and policies that support the needs of Members and families, including medical, developmental, educational, emotional, cultural, environmental, and financial needs.
5. Participating in Member and Family-Centered Cultural Competence Trainings.
6. Encouraging Member-to-Member and family-to-family support and networking.
7. Promoting available, accessible, and comprehensive community, home, and hospital support systems to meet diverse, unique needs of the family.
8. Acknowledging that families are essential to the Members' health and wellbeing and are crucial allies for quality within the service delivery system.

9. Appreciating and recognizing the unique nature of each Member and their family.

E. SUPPLEMENTAL INFORMATION

The Division of Developmental Disabilities (Division) promotes a Culture of respect and dignity when supporting individuals who have developmental disabilities and their families. The Division values a Competent, diverse provider network capable of effectively addressing the needs and preferences of its culturally and linguistically diverse Members. The Division acts in accordance with contractual obligations and state and federal codes and laws, including the Civil Rights Act of 1964 Public Law § 88-352 which prohibits discrimination in government agencies.