

Serving Older Adults with Limited English Proficiency

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July 10, 2024

Housekeeping

- All on mute. Use Questions function for substantive questions and for technical concerns.
- Problems getting on the webinar? Send an e-mail to NCLER@acl.hhs.gov.
- Written materials and a recording will be available at NCLER.acl.gov. See also the chat box for this web address.

About NCLER

The National Center on Law and Elder Rights (NCLER) provides the legal services and aging and disability communities with the tools and resources they need to serve older adults with the greatest economic and social needs. A centralized, one-stop shop for legal assistance, NCLER provides Legal Training, Case Consultations, and Technical Assistance on Legal Systems Development. Justice in Aging administers the NCLER through a contract with the Administration for Community Living's Administration on Aging.

About Justice in Aging

Justice in Aging is a national organization that uses the power of law to fight senior poverty by securing access to affordable health care, economic security, and the courts for older adults with limited resources.

Since 1972 we've focused our efforts primarily on populations that have traditionally lacked legal protection such as women, people of color, LGBTQ+ individuals, and people with limited English proficiency.

About Community Legal Services of Philadelphia (CLS)

CLS's mission is to fight poverty, challenge systems that perpetuate injustice, and change lives through cutting-edge advocacy and exceptional legal representation.

Since 1966, CLS has provided free civil legal assistance to more than one million low-income Philadelphians. CLS provides a full range of legal services, from individual representation to administrative advocacy to class action litigation, as well as community education and social work. CLS is nationally recognized as a model legal services program.

Key Lessons

- Older adults with Limited English Proficiency (LEP) are growing in number.
- Title VI of the Civil Rights Act of 1964 requires meaningful access to programs and services for individuals with LEP.
- A number of legal authorities implement this requirement in programs and services for older adults.
- There are actionable promising practices for individuals serving older adults with LEP.

Road Map

- Overview of Older Adults with LEP
- Title VI of the Civil Rights Act of 1964
- Additional Authorities in Health Care, Economic Security, and Housing
- Practical Tips to Better Serve Older Adults with LEP

Older Adults with LEP

Limited English Proficiency

- American Community Survey/Census definition: individuals 5 years or older who self-identify as speaking English less than “very well”

14 a. Does this person speak a language other than English at home?

Yes

No → SKIP to question 15a

16

b. What is this language?

For example: Korean, Italian, Spanish, Vietnamese

c. How well does this person speak English?

Very well

Well

Not well

Not at all

Older Adults with LEP (1 of 3)

- Over 17.5 million older adults age 65+ speak a language other than English at home.
- Almost 10 million (8.71%) speak English less than “very well.”
- Older adults 65+ with LEP reported significantly lower household incomes compared to those who are English proficient.
- Of the 51-64 age cohort, 10.43% or 12.2 million are individuals with LEP.

Older Adults with LEP (2 of 3)

- Older adults with LEP reside in communities across the country.
 - Significant percentages (>10 percent) in states like California, Florida, Hawaii, New Jersey, New York, and Texas.
 - Over 8 percent of individuals 50-64 are LEP in Rhode Island, Illinois, and Washington, over 9 percent in Arizona, and over 7 percent in Connecticut and Maryland.

Older Adults with LEP (3 of 3)

- Language access is important because programs and services are complicated and tend to use jargon.
- Older adults have specific needs (e.g. greater health needs), so language access facilitates better care.
- Language access is critical across the ecosystem of programs and services.
 - Legal Assistance
 - Health Care
 - Housing and Economic Security
 - Transportation
 - Social and Nutrition Services

Title VI of the Civil Rights Act of 1964 and Related Authorities

Title VI

- Prohibits discrimination on the basis of race, color, or national origin in any program or activity receiving federal funds.
- In *Lau v. Nichols*, 414 U.S. 563 (1974), the U.S. Supreme Court interpreted national origin to include language.
- Private enforcement was significantly limited under *Alexander v. Sandoval*, 532 U.S. 275 (2001).

Executive Order 13166

- Improving Access to Services for Persons with Limited English Proficiency
- Signed in 2000 by President Clinton
- Federal agencies must provide plans to the Department of Justice that:
 - Examine the services they provide
 - Identify any need for services to those with LEP
 - Develop and implement a system to provide such services so people with LEP have meaningful access

EO 13166's Four Factor Analysis

- Number/proportion of LEP persons in the eligible service population
- Frequency with which individuals with LEP come into contact with the program
- Importance of the service provided
- Resources available
- Safe harbor provision for translation

Executive Order 14901

- Signed in 2023 by President Biden
- Built upon requirements under EO 13985 – Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, signed in 2021 by President Biden
- Agencies must consider opportunities to improve language access by fully implementing EO 13166

Programs and Services for Older Adults

Health Programs

- Section 1557 of the Affordable Care Act
 - New regulation restores and improves notices that inform people about their language access rights
 - Includes all Medicare Providers (including Medicare Part B providers)
- Translations of the [Medicare & You Handbook](#)
- New Part C & D Rule updates the “notice of availability” to include English and the top 15 languages in the relevant state
- [Medicare.gov publications library](#)

Economic Security

- [Social Security Administration's updated language access plan](#) for 2024-2026
- “SSA, its components, and employees are required to plan for, and take reasonable steps, to provide timely, accurate, and meaningful access to all programs or activities conducted both by SSA and entities receiving federal financial assistance from SSA for individuals with LEP.”
- Not the responsibility of the individual seeking services

Housing

- The Fair Housing Act prohibits national origin discrimination in both private and federally-assisted housing.
- [Department of Housing and Urban Development's Language Access Plan for 2021-2026](#)
- Can file a complaint in multiple languages
- [Guidance to Public Housing Agencies on Funds for Language Services](#)

Legal Services

- Standards for the Provision of Civil Legal Aid, [Standard 5.7 on Implementing Language Justice](#)
 - *A legal aid organization should ensure that all language communities receive systematic and fair treatment and respect for their fundamental language rights.*
- Various [court interpreter programs](#) from state to state
- Older Americans Act Regulations: Section 1321.93(f)
 - Contains legal assistance requirements to take reasonable steps to ensure meaningful access to legal assistance by older individuals with LEP and other communication needs
 - Including providing access to interpretation, translation, and auxiliary aids and services.

Practical Tips for Serving Older Adults with LEP

Working with Interpreters - Basics

- Terminology
- Interpreter's role
- Your role

Terminology

Interpretation (oral)

vs.

Translation (written)

Interpreter's Role

Is a **conduit**

This means that the interpreter:

- Adds nothing
- Changes nothing
- Omits nothing

Your Role

- To explain/break down information so that the client understands
- To manage flow of conversation
- To handle to problems with the interpreter

Tips for Working with Interpreters



Talk directly to the client, not the interpreter



Speak clearly and in short and simple sentences



Speak unhurriedly and take pauses



Avoid jargon – explain concepts



Allow interpreter to finish interpreting before speaking again

Other Tips for Working with Older Adults

- Ask their language preference, including for translation of letters/documents
- Avoid using ad hoc interpreters such as family members
- Consider using large print for letters/documents and offering translated versions paired with English for caregivers/advocates
- Consider amplifying sound
- Complications around decisional capability
- Increase in video interpretation and automated translations

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Case Consultations

Case consultation assistance is available for attorneys and professionals seeking more information to help older adults. Contact NCLER at ConsultNCLER@acl.hhs.gov.