



Interpreters and Translators in Mental Health Settings

1. What if my mental health provider doesn't speak my language?

You can ask for an interpreter or a translator. This is required so you have an equal opportunity to benefit from the service. Denial of such opportunity is discrimination.

2. What is the difference between an interpreter and a translator?

An interpreter converts spoken information from your language to English and vice-versa. A translator converts written information from English to your language and vice-versa.

3. Who has to provide me with an interpreter or translator?

Both public and private mental health care providers must do so, including providers who contract with the county.

4. Will interpreter or translation services be free of charge?

Yes.

5. What is the best way to get an interpreter or translator?

Ask your provider for one. You can request an interpreter at the time you make your first appointment. This will help ensure there is an interpreter available when you get there.

The provider should tell you how you can get an interpreter or translator. This information should be posted in the waiting area or office. If you do not get what you want, put your request in writing. Keep a copy for your records. See questions 15 to 20 below for more information.

6. Who can be my interpreter or translator?

An interpreter or translator must be fluent in English and in your primary language. An interpreter or translator must know the mental health terms or concepts that are used. He or she must be aware of how mental illness is perceived in your culture. An interpreter or translator must have training about keeping information he or she receives about you confidential.

7. Can a provider require that I bring my own interpreter or translator?

No.

8. Should my mental health records contain information on my need for an interpreter or translation services?

Yes. Your provider must document your preferred language and whether you need an interpreter or translator.

9. When do I have a right to a translator?

The provider must translate materials if your primary language is a “threshold language”. Whether a language is a “threshold language” depends on the percentage or number of people in the county who use the language. For Medi-Cal Mental Health, a “threshold language” means the primary language of 3,000 beneficiaries or five percent of the beneficiary population of the county. See the following link for a list of Medi-Cal Mental Health threshold languages (October 2011):

<http://www.dmh.ca.gov/dmhdocs/docs/notices11/Enclosure2.pdf>

10. How can I find out if my language is a “threshold language”?

You can call your County Mental Health Department to find out if your primary language is a threshold language. Each county has a toll-free Mental Health Access Line number that you can call. See the following link for a directory of county mental health Access Line numbers:

<http://www.dmh.ca.gov/docs/CMHDA.pdf>

Other private or public health plans should have that information. You can request it.

11. What records must be translated?

County Mental Health programs must translate the following written information in threshold languages:

- Member services handbook or brochure
- General correspondence
- Beneficiary problem resolution, grievance, and fair hearing materials
- Beneficiary satisfaction surveys

- Informed consent for medication form
- Confidentiality and release of information form
- Service orientation for clients
- Mental health education materials
- Evidence that translated materials are distributed and utilized

Other private or public health plans also need to translate these documents to comply with state and federal laws.

12. Are there other documents that must be translated?

Yes. Under state law, people held for involuntary care must receive notices in their primary language. To comply with state and federal laws, providers may have to translate other documents, including but not limited to:

- Service application
- Release of records
- Individualized service or treatment plans
- Aftercare or discharge plans
- Notices of action on service provision and appeal rights

13. What happens if my provider refuses to translate my records?

Failure to translate may violate federal and/or state law(s). See question 15 below. In any event, providers must, at a minimum, provide oral interpretation of all written information.

14. What if my language is not a “threshold language”—do I still have the right to get documents translated?

It depends. Notices of involuntary mental health treatment must be provided in your primary language. Providers may have to translate other documents, including those referenced above at questions 11 and 12. This area of the law is still in development, so we can't give you a definite answer.

15. What if my provider refuses to give me an interpreter or translator?

Ask your provider for a written explanation and request a copy of the provider's written policies on interpreter and translator services. Ask about the provider's grievance process. You can file an external complaint with state and federal agencies. You should confirm whether filing an internal grievance is necessary before filing an external complaint.

16. What is the difference between an internal grievance, complaint and a lawsuit?

An internal grievance is filed directly with the provider. In general, a complaint is filed with an administrative agency that has responsibility over the provider. A lawsuit is filed in court.

17. What information should I include on a grievance or complaint?

The grievance or complaint should include:

- Your name, address, telephone, signature and date
- Provider name, address and telephone

- How, why and when incident occurred. For example, “I was denied an interpreter on May 1, 2012. The psychiatrist said that no interpreter was available.”

Be sure to keep a copy for your records. Filing a written grievance or complaint with your provider may be the quickest way to get what you want. A state or federal agency complaint discussed below may take longer to investigate. If your provider ignores or denies your request, we encourage you to file a complaint with a state or federal agency to get what you need.

18. What state agency can I submit a complaint to?

If you feel that your mental health provider discriminated against you because of your national origin by not giving you interpreter or translation services, you may file a complaint with the Department of Fair Employment and Housing (DFEH). Visit the DFEH online at www.dfeh.ca.gov or call them at (800) 884-1684 to schedule an appointment to file a complaint.

In general, a state complaint against a public provider must be filed within 180 days from the date of any act that you feel is discriminatory. A state complaint against a private provider must be filed within one year of the discriminatory act. If you want to file a complaint, it is important that you contact the advocates listed in question 20 for more information as soon as possible.

19. What federal agency can I submit a complaint to?

You can file a complaint with the federal Office of Civil Rights (OCR). Visit the OCR online at www.hhs.gov/ocr/civilrights/complaints

or call them at (800) 368-1019.

In general, a federal complaint must be filed within 180 days from the date of any act that you feel is discriminatory. OCR may extend the 180-day period if you can show “good cause”. Contact the advocates listed in question 20 for more information.

20. Are there advocates available to assist me?

Yes. You can call your County Mental Health Patients' Rights Advocate. See the following link for a list of County Patients' Rights offices:

http://www.disabilityrightsca.org/OPR/pr_a_directory.pdf

You can also call Disability Rights California at 1-800-776-5746.

We want to hear from you! After reading this fact sheet please take this short survey and give us your feedback.

English version: <http://fs12.formsite.com/disabilityrightsca/form54/index.html>

Spanish version: <http://fs12.formsite.com/disabilityrightsca/form55/index.html>

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