

# OLA Quarterly

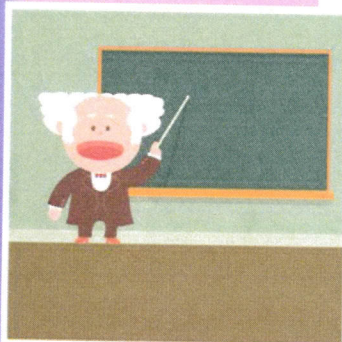
## Official Newsletter of the Office of Language Access, State of Hawai'i

*ʻO ka ʻōlelo ke ola - Language is Life*

Issue 6  
Spring 2009

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## Message From the Executive Director

Aloha! Welcome to the Spring issue of our quarterly newsletter.

While these have been challenging times, the OLA has continued to be active during the past quarter as shown by the following: We conducted surveys on vital documents and public contact positions with state agencies to assist with compliance efforts. Trainings were held on data collection for the Judiciary, and our office hosted several webinars on various issues related to language access. Plans continue for training workshops statewide—pertaining to working with interpreters and basic training for bilingual staff. We are also in the process of applying for grants and working collaboratively with other agencies. Preparations for the 2nd Hawaii Language Conference on September 28-29, 2009, are underway, and we are forming partnerships in the process. The report on the feasibility study for the establishment of a language access resource center has been completed and a proposed bill for designating a language access month continues to move in the Legislature. Moreover, several members of the Language Access Advisory Council are up for confirmation by the Senate. Lastly, we are also in the process of sending out the results of our monitoring visits to the federally-funded state agencies. This will help these departments prepare for the July 1, 2009 submission deadline of their revised language access plans.

With a high degree of optimism, tempered with a dose of reality, the OLA looks forward to working with other agencies in performing its functions and in addressing the need for language access in the State of Hawai'i.

## FREE Training Workshops for State of Hawai'i & County Staff

As part of the OLA's role in providing technical assistance and training, the office will hold **FREE** half-day workshops on May 13 and 15, 2009 at the State Capitol, Room 325 (415 S. Beretania Street). These workshops are for Hawai'i state and county agencies. There are two topics for the workshops:

- **Serving LEP Individuals through Interpreters** (8:30 AM to 12 PM on both days); "Workshop content will primarily target language access coordinators, managerial/supervisory personnel, and others responsible for language access implementation."
- **The Role of Bilingual (& Multilingual) Staff** (1:00 PM to 4:30 PM on both days); "This workshop will help bilingual and multilingual staff understand their role when working with Limited English Proficient (LEP) individuals."

*Space is limited to State of Hawai'i and county staff, so register early!* To register, call (808) 586-8730, fax (808) 586-8733 or email [gail.p.mcgarvey@hawaii.gov](mailto:gail.p.mcgarvey@hawaii.gov) with the following information: (1) Name of the Workshop (choose from one of the topics listed above); (2) Your Name; (3) Department; (4) Address; (5) Phone Number; (6) Your email address; and (7) Workshop Date (either May 13, 2009 or May 15, 2009).

## State Agency Monitoring Results

During the last quarter of 2008, the Office of Language Access, in accordance with the language access law (HRS §371-36), conducted monitoring visits of state agencies that receive federal funding. The purpose of the visits was to assess how the various departments are doing in terms of implementing their language access plans and how they are complying with the law. Each agency was evaluated based on 26 criteria for their progress in implementing their language access plans and in eight areas pertaining to the requirements of Hawaii's Language Access Law.

A total of sixteen state departments were visited and many were found to be in the range of partial compliance to full compliance in most of the evaluated areas. Six agencies were deemed to be more on the non-compliant side of the scale. The OLA will continue to provide ongoing assistance and appreciates each of these agency's efforts in serving the limited English proficient population. Letters and results of these visitations will be sent out in April to the various language access coordinators and department heads. Visits with the remaining state agencies will be scheduled later this year.

## Feasibility Study Results

SCR67 SD1/SR40 SD1, Regular Session of 2008, requested that the Office of Language Access conduct a feasibility study on the establishment of a centralized language access resource center in Hawai'i. The OLA contracted with Dr. Frederico Magdalena of the University of Hawai'i to handle the study. It required an assessment of the need for language access, and a survey of possible expenditures and of the cost and benefits for establishing a resource center.

Data for this study was collected during the latter part of 2008 from approximately 61 various organizations in Hawai'i (mostly state agencies), who responded to the online survey. The project also included interviews and data gathered from related research to complement the survey data. The following are some of the findings of the study:

- Besides Asians, the demand for language access services by certain Pacific Islander groups (Chuukese, Marshallese, Pohnpeian, Samoan, and Tongan) is high and increasing, based on available state expenditures and other data on LEP persons.
- More than half of the organizations surveyed stated that they rely heavily on voluntary services offered by their own bilingual staff, friends and relatives of clients.
- Interpreters and translators are available in the state but may not necessarily be qualified or competent to provide quality services. In addition, the language service delivery system in the state remains fragmented, limited and uncoordinated.
- The majority of agencies surveyed favor the establishment of a centralized language access resource center that would serve all state agencies and covered entities.

The study has limitations due to its small sample size, but the preliminary results seem to indicate support for training and a language resource center.

## Planning for the 2nd Hawai'i Language Access Conference

The 2nd Hawai'i Conference on Language Access, *Ho'opono: Plan Implementation and Promising Practices*, is scheduled for September 28-29, 2009 at the East-West Center on the University of Hawai'i at Mānoa campus. Committee members are working diligently on the program, finding outside sponsorships, mailing invitations to possible keynote speakers, publicity, and other important details. Last year, over 200 people from across the nation attended the OLA's First Language Access Conference. The gathering garnered national recognition, and attendees were very happy to be part of this historic event. Please mark your calendars, spread the word, and continue to check future newsletters as well as our website, [www.hawaii.gov/labor/ola](http://www.hawaii.gov/labor/ola) for the latest updates.



## Update on the OLA Surveys

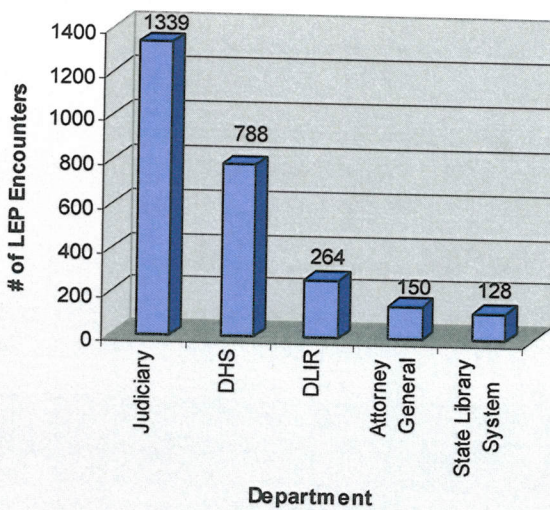


In 2008, the OLA issued three surveys to assist state agencies in taking steps to comply with the Language Access Law: the Reporting Tool for data collection, Vital Documents Survey, and Survey of State Public Contact Positions. For the Reporting Tool, the agencies that reported the most LEP encounters for FY08-09 Q2 (October, November, December 2008) were the Judiciary (1,339), DHS (788), DLIR (264), Attorney General's Office (150), and the State Library System (128). Oral language services were the most requested service that quarter; and the top five languages reported were Chuukese, Korean, Cantonese, Ilokano, and Spanish.

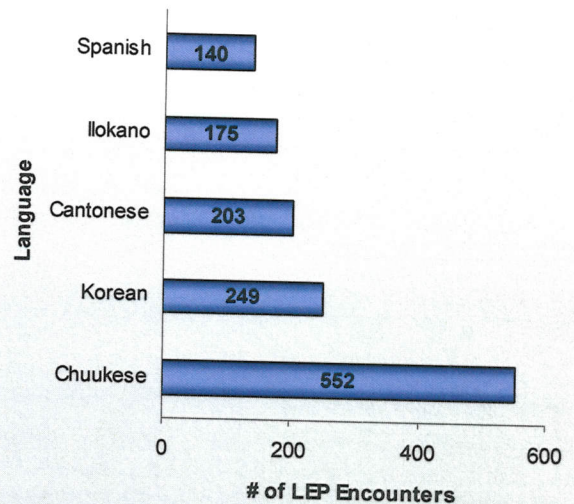
A big mahalo to the state agencies that submitted their surveys or apprised us of the status of these reports. If there are any problems or no data available for collection, please notify Uilani Pauole de Sa of the OLA and submit a report indicating this. These surveys and data collection tools are resources that may be helpful for agencies to use in the future to identify areas needing language access, and also use to respond to language access related complaints.

*Reminder:* The next Data Collection Report is due **May 15, 2009** for the 3<sup>rd</sup> quarter/FY08-09 (January, February, March 09)

**State Agencies With the Most LEP Encounters  
(FY08-09 Quarter 2)**



**Top 5 LEP Encounters by Language  
(FY08-09 Quarter 2)**



## Hawai'i State Judiciary Workshops on Language Access

The Judiciary's Office of Equality and Access to the Courts conducted a series of 12 workshops on language access from January 20, 2009 to January 30, 2009. The workshops provided agency-wide training on O'ahu pertaining to the Judiciary's Language Access Plan for two groups: (1) Administrators and Managers; and (2) Line Supervisors and Frontline Staff. The training covered the legal bases for, and requirements of, the Language Access Law; how the OLA's surveys (Public Contact Positions Survey; and Vital Documents Survey) tie into the law; an overview of the Judiciary's Court Interpreter Certification Program; and the OLA's Data Collection Tool. The OLA provided technical assistance by giving an overview of the law and the purposes of the various surveys used for compliance purposes.

The OLA applauds the Judiciary for its efforts in doing this agency-wide training on language access. If you would like assistance with language access training for your agency, please contact the OLA at 586-8730.

## Language Access News From Other States

*In the health care system, the multitude of complex medical terms and legalistic documents are at times confusing for those of us born and raised in the United States. This problem is magnified significantly for limited English proficient (LEP) individuals. Misunderstandings and misinformation can often lead to negative personal or healthcare outcomes. The following article from **New America Media** (January 26, 2009), was written by Health Editor, Viji Sundaram. It describes a new regulation in California that requires commercial health and dental insurers to provide interpreters for patients who need them.*

### **Immigrants Gain Right to Medical Interpreters**

SAN FRANCISCO – About two years ago, the staff of a Los Angeles hospital tied both hands of a 97-year-old South Korean immigrant to the bed frame after the man raised his voice in frustration when no one could understand what he was trying to say in his native language. In another instance, Myung Hee Kim, a 71-year-old South Korean immigrant who spoke no English, was admitted to a hospital in Southern California for diabetes-related complications and was administered pain relievers to her right shoulder, although she complained of pain in her left shoulder.

Such medical mistakes are now less likely to happen in California, thanks to a new regulation that requires commercial health and dental insurers to provide [interpreters], if not in person, at least by telephone or video conferencing, according to Anthony Wright, Executive Director of Health Access California. This was one of a number of non-profits that helped California Pan-Ethnic Health Network (CPEHN), push the legislation through.

"This can make a big difference in the quality of health care our communities receive," said Marty Martinez, policy director at CPEHN, which sponsored the legislation.

The regulation, the first of its kind in the nation, ensures that "everybody who has insurance gets an interpreter," said CPEHN's Executive Director Ellen Wu. Doctors' orders "will now have to be translated into any language that is spoken."

An estimated 7 million Californians with limited English proficiency, about half of them enrolled in Health Maintenance Organizations, are expected to benefit from the law. A provision in the Civil Rights Act of 1964 requires all hospitals that receive federal funding to provide interpreters, a law that is often breached.

CPEHN sponsored SB 853, the Health Care Language Assistance Act, in 2003, with co-sponsorship from the Mexican American Legal Defense and Education Fund and the Western Center on Law and Poverty. It was signed into law by former Gov. Gray Davis that same year. But for years after that, it faced a myriad of hurdles from health plan opponents and administrative turnovers resulting from the 2003 gubernatorial recall. The implementation finally began Jan. 1, 2009.

The need to have such a law became more pressing as California turned more diverse. More than 40 percent of Californians do not speak English at home, and an estimated 7 million have limited English proficiency, according to U.S. Census data.

For some populations, such as Vietnamese and Korean Americans, more than 60 percent do not speak English well and as a result, they as well as other individuals with limited English skills, face language and cultural barriers when seeking health care. Immigrant patients have to take an English-speaking family member with them when they go to [a] hospital, which is not always possible. And when they do, the family interpreter often cannot understand medical jargon, resulting in miscommunication.

Some hospitals, such as Kaiser Permanente, have for years been hiring people with second-language skills. Under the new regulation, HMOs and medical providers will have to provide interpreters either in person or via telephone or video conferencing. And just what language the interpreters will have to know will depend on "how much the language penetrates that particular area," said Wright.

"In Fresno, for instance, HMOs and medical providers will have to provide interpreters who speak Hmong." Martinez noted that even though the Health Care Language Access Act is a California law, there could more than likely be a "spillover effect" to other states. "Hopefully, this can serve as a model," he said.

## Webinars & Webcasts on Language Access Issues

Over the past few months, the OLA has participated in, and offered viewing of, various webcasts and webinars relating to language access issues. On February 24th, the Vera Institute of Justice and the U.S. Department of Justice's Office of Community Oriented Policing (COPS), presented "*Bridging the Language Divide: Promising Practices for Law Enforcement.*" This was a live webcast moderated by Albert Pearsall III of the COPS Office and featured law enforcement personnel from Lexington (Kentucky), Boise (Idaho), and Storm Lake (Iowa). The panelists discussed their respective agency programs, which were created to help overcome language barriers with the communities they serve. The presentation was very informative and can be viewed on the Vera website at [www.vera.org](http://www.vera.org). Visitors to this site may also download the companion report, *Bridging the Language Divide*, and peruse other informative materials.

On March 5, 2009, viaLanguage coordinated a webinar, "*LEP Communications on Shrinking Budgets: Top 10 Translation Traps.*" The session was moderated by Scott Herber, EVP of Sales, and speakers included Maggie Nickles, Senior Program Manager, and Nancy Pautsch, from viaLanguage. This presentation targeted healthcare professionals and uncovered pitfalls that typically drain translation budgets and limit LEP program effectiveness.

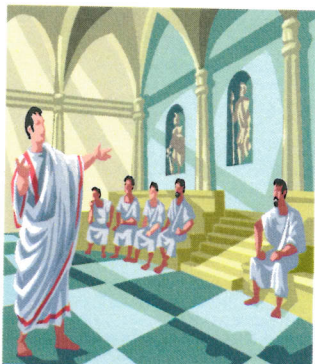
The best practices and tips shared during this webinar are transferable to other types of agencies as well. The panel discussed the following translation traps:

1. The Content Trap
2. Literacy Laziness
3. Review Cycle Ignorance
4. Feline Herding Behavior
5. Translation Hubris
6. Translation Tunnel Vision
7. Empty Toolbox Thinking
8. Technical Overconfidence
9. Reuse Myopia
10. Price-Is-Right Syndrome



More details pertaining to the tips above as well as other helpful resources can be found by going to [www.vialanguage.com](http://www.vialanguage.com). Their next webinar, "*Save Time & Money with Translation Memory*", is scheduled for May 5th at 7:45 A.M. (HST)

## Legislative Updates



The OLA has one bill (HB813 HD1) making its way through the Legislature, which designates September as "Language Access Month." This was created to promote awareness of language access for government services and to emphasize the importance of and the need for language access in Hawai'i. The OLA also supported other measures, including the formation of a task force to address language access issues in the tourism industry, providing interpretation in health care settings, and reducing language barriers for Hawai'i's elderly. Finally, the OLA supports the confirmation of new and re-appointment of existing Council members (Asuncion, Boido, Rawlins and Santa Maria). The hearing for the confirmation of three new members (Brow, Li and Turturici) is on April 15, 2009, 10AM, Room 016. These legislative bills and others can be followed on the legislature's website: [www.capitol.hawaii.gov](http://www.capitol.hawaii.gov).



[www.hawaii.gov/labor/ola](http://www.hawaii.gov/labor/ola)

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## Best Practices Working with Interpreters Outside of the Courtroom: A Guide for Legal Services Providers

The following are tips from the Ayuda Community Legal Interpreter Bank in working with interpreters. These can be used to simplify the process and ensure accuracy.

### Plan Ahead

- Understand your ethical duties
- Schedule a pre-session with the interpreter
- Allow extra time
- Provide documents to the interpreter ahead of time



### During the Session

- Position the interpreter and client appropriately
- Have the interpreter wait in your office until the client arrives
- Take time for introductions
- Discuss confidentiality
- Speak directly to the client using first person
- Make sure that everything is interpreted
- Speak slowly in short, simple sentences
- Check for understanding
- Do not leave the client alone with the interpreter
- Do not allow side conversations
- Do not ask interpreters to act as legal assistants
- Debrief the interpreter after the session

\* Based on materials provided by Marjory Bancroft, MA, Cross-Cultural Communications

## Dates to Remember

	4/15/09	State Language Access Coordinators' Meeting, DLIR Conference Rooms 310-314, 11 A.M.-12P.M.	
	4/25/09	Hawai'i Anti-Fraud Conference: <i>Keeping Hawaii Safe for Our Kupuna</i> , Hawai'i Convention Center, 1801 Kalākaua Avenue, 8 A.M. - 1 P.M.	
	5/13/09	• OLA workshops, State Capitol, Room 325, 8:30 A.M. - 4:30 P.M., see page 1 for details	
	5/15/09	• Data Collection Report Due; email to the OLA: <a href="mailto:DLIR.ola@hawaii.gov">DLIR.ola@hawaii.gov</a>	
	6/3/09	• OLA workshops, State Capitol, Room 325, 8:30 A.M. - 4:30 P.M., see page 1 for details	
	6/10/09	State Language Access Coordinators' Meeting, DLIR Conference Rooms 310-314, 10 A.M. - 12 P.M.	
		Language Access Advisory Council Meeting, DLIR Conference Room 320,	