



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

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Intellectual/Developmental Disabilities

LME-MCO Joint Communication Bulletin # J351

Date: December 19, 2019

To: Local Management Entities-Managed Care Organizations (LME-MCOs)
And Beacon Health Options

From: Deb Goda, Behavioral Health Unit Manager, NC Medicaid
Michelle Laws, Assistant Director Consumer Policy and Community Engagement, DMH/DD/SAS

Subject: Payment for Interpreter Services

Americans with Disabilities Act:

The Americans with Disabilities Act (ADA), and other federal laws, prohibit discrimination and seek to ensure equal opportunity for persons with disabilities in employment, state and local government services, public accommodations, commercial facilities and transportation.

In certain circumstances, providers are required to provide reasonable accommodations to qualified individuals with disabilities to ensure access to services. Accommodations could include a variety of things, including but not limited to the provision of auxiliary aids and availability of interpreters.

For individuals who are deaf, blind, deaf-blind, or hard of hearing, effective communication is paramount to achieving equal access to services. "Effective communication" is information that is equally clear and understandable to all parties. In a healthcare setting the lack of effective communication can lead to misdiagnoses and improper medical treatment, among other detrimental outcomes. All providers are expected and legally required to ensure that individuals with disabilities are provided with the resources reasonably necessary to ensure effective communication.

Communication aids could include: American Sign Language (ASL), written English, or Braille. Providers should cooperate with individuals to determine the best way to ensure effective communication for both the individual and the healthcare provider. As an example, if the most effective means of communication is through the use of ASL, the provider should utilize a qualified sign language interpreter which allows both parties to communicate in their preferred and natural language. Chapter 90D of the North Carolina General Statutes requires sign language interpreters to be licensed in order to provide services for a fee.

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NC MEDICAID • DIVISION OF HEALTH BENEFITS

1985 Umstead Drive, Kirby Building, Raleigh, NC 27603
MAILING ADDRESS: 2501 Mail Service Center, Raleigh, NC 27699-2001
www.ncdhhs.gov • TEL: 919-855-4100 • FAX: 919-715-9451

**DIVISION OF MENTAL HEALTH, DEVELOPMENTAL
DISABILITIES AND SUBSTANCE ABUSE SERVICES**

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Expenses associated with hiring a translator or providing any other reasonably necessary communication aid are accounted for in Medicaid reimbursement rates. Failure to provide reasonably necessary accommodations to ensure effective communication is a direct violation of federal law and regulation as well as the Provider Administrative Participation Agreement ("Provider Agreement") entered into by all Medicaid providers.

There are no circumstances under which the cost of providing reasonable accommodations may be passed on to the individual seeking services. The Department is authorized to withhold payment and/or terminate the Provider Agreement of a Medicaid provider that fails to comply with any applicable federal laws including the ADA.

Staff members from the NC Division of Services for the Deaf and Hard of Hearing (DSDHH) are available to provide consultation, guidance, and training to healthcare providers at no charge for purposes of ensuring effective communication for all individuals. Contact information the DSDHH regional centers can be found at www.ncdhhs.gov/dsdhh/where.htm.

The following is a list of licensed sign language interpreters in North Carolina by region. DSDHH Statewide Licensed Interpreter Area Directories:

DSDHH Statewide Licensed Interpreter Directories:

- Asheville Area:

https://files.nc.gov/ncdhhs/documents/files/Asheville%20Area%20Licensed%20Interpreter%20Directory_14.pdf

- Charlotte Area:

https://files.nc.gov/ncdhhs/documents/files/Charlotte%20Area%20Licensed%20Interpreter%20Directory_13.pdf

- Greensboro Area:

https://files.nc.gov/ncdhhs/documents/files/Greensboro%20Area%20Licensed%20Interpreter%20Directory_13.pdf

- Morganton Area:

https://files.nc.gov/ncdhhs/documents/files/Morganton%20Area%20Licensed%20Interpreter%20Directory_19.pdf

- Raleigh Area:

https://files.nc.gov/ncdhhs/documents/files/Raleigh%20Area%20Licensed%20Interpreter%20Directory_17.pdf

- Wilmington Area:

https://files.nc.gov/ncdhhs/documents/files/Wilmington%20Area%20Licensed%20Interpreter%20Directory_13.pdf

- Wilson Area:

https://files.nc.gov/ncdhhs/documents/files/Wilson%20Area%20Licensed%20Interpreter%20Directory_12.pdf

- Cued Language Translitterators (statewide):

https://files.nc.gov/ncdhhs/documents/files/Cued%20Speech%20Translitterators%20Directory_8.pdf

- Interpreting Service Agencies (statewide):

https://files.nc.gov/ncdhhs/documents/files/Interpreter%20Agencies%20Directory_7.pdf

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Guidelines for procuring interpreting/transliterating services are available to assist healthcare providers in selecting an interpreter who is qualified to interpret in healthcare settings:

www.ncdhhs.gov/dsdhh/services/hiring_SLI.htm.

Additional Resources:

- ADA: www.ada.gov
- ADA Business Brief: www.ada.gov/hospcombr.htm
- RID Standard Practice Paper: <https://rid.org/about-rid/about-interpreting/standard-practice-papers>
- NC Interpreter/Transliterating Law:
www.ncga.state.nc.us/enactedlegislation/statutes/pdf/bychapter/chapter_90d.pdf

If you have any questions regarding interpreting for Medicaid funded services for this communication bulletin, please contact Deb Goda at 919-527-7640 or e-mail at Deborah.Goda@dhhs.nc.gov. If you have any questions interpreting for state funded (MH/DD/SAS) services, please contact Brad Trotter at TTY # 919-324-1506 or e-mail at Brad.Trotter@dhhs.nc.gov.

When sign language interpreting services are necessary and treatment services are not Medicaid funded, the NC Division of Mental Health, Developmental Disabilities and Substance Abuse Services makes state funding available for interpreting services. MH/DD/SA service providers and sign language interpreters are expected to comply with DMH/DD/SAS interpreting policy at <https://www.ncdhhs.gov/divisions/mental-health-developmental-disabilities-and-substance-abuse/deaf-and-hard-hearing-mental>

Previous bulletins can be accessed at: www.ncdhhs.gov/divisions/mhddsas/joint-communication-bulletins

cc: Dave Richard, NC Medicaid
Jay Ludlam, NC Medicaid
Kody Kinsley, Behavioral Health & I/DD
Helen Wolstenholme, DSOHF
NC Medicaid Leadership Team
DMH/DD/SAS Leadership Team

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