

National and State Laws on Cultural Competency

NATIONAL

Title VI of the Civil Rights Act of 1964

This section of the Civil Rights Act prohibits discrimination on the basis of race, color or national origin for all federal or federally-funded agencies. Although all federal agencies are directed to take measures to voluntarily comply with this act, the act also ensures that legal action can be taken against discriminatory agencies, which could lose their federal funding. The Department of Justice provides many useful publications on how to comply with Title VI, as well as how to file a complaint:

<http://www.usdoj.gov/crt/cor/pubs.php#12250>. This site also provides information on how specific government agencies, like the Department of Health and Human Services, comply with this act. The DOJ site also includes information to guide training programs in complying with this act.

Improving Access to Services for Persons with Limited English Proficiency ([Civil Rights Division Department of Justice Executive Order 13166](#))

Clinton's executive order "Improving access to services for persons with limited English proficiency (LEP)" released in 2000 requires all federal agencies and recipients of federal funding to review their services and then develop and execute a system that allows people with LEP to access these services as if there were no language barrier. This order has its roots in Title VI of the Civil Rights Act of 1964, and aims to eliminate discrimination based on country of origin. The order does not require that agencies be 'unduly burden[ed]' by the programs it would need to enact to comply with this order-along these lines, the order also includes a general guidance document-LEP guidance <http://www.usdoj.gov/crt/cor/13166.php>. This website contains links to other documents that further explain this order, as well as a video on LEP and "I speak" flashcards that can be adapted for use in clinic.

<http://www.usdoj.gov/crt/cor/Pubs/ISpeakCards2004.pdf>

This order also requires that all federal agencies register a plan with the Department of Justice on how to enact these provisions, so requesting this plan for your agency may be a useful way to start reviewing how to better serve individuals with LEP. The Department of Justice's provisions can be found at www.lep.gov, a comprehensive website providing and linking to information, tools, and technical assistance regarding limited English proficiency and language access.

National Standards on Culturally and Linguistically Appropriate Services (CLAS)

The CLAS standards provide specific guidelines to health care organizations on making their practices more culturally and linguistically accessible. All organizations should work with the communities they serve to ensure that the CLAS standards are met. There are 14 standards that are organized into themes: culturally competent care, language access services, and organizational supports for cultural competence. Within these standards, some are mandated by law, others are recommended and others are suggested for voluntary adaptation. Mandatory standards are summarized as follows: interpreters must be provided at no cost to all patients with LEP at all points of contact (Standard 4), patients must be notified in their preferred language both verbally and via written notices of their right to an interpreter (standard 5), the interpreters provided must be competent and cannot be friends or family (standard 6), and organizations must have signs and written material in ALL the languages of the populations most served (section 7). The recommended standards relate to internal organization needed to provide culturally competent care and the voluntary standard relates to publicly posting information on compliance with CLAS. The full standards of CLAS can be found at: <http://www.omhrc.gov/templates/browse.aspx?lvl=2&lvlID=15>. The Cultural Competency section of the Office of Minority Health website <http://www.omhrc.gov/templates/browse.aspx?lvl=1&lvlID=3> provides links to tools and resources for increasing cultural competency.

STATE

State laws addressing health disparities as related to cultural competency, health professionals and recruitment, and disease burden and risk factor management are listed at: <http://www.ncsl.org/programs/health/mhpromo.htm>

The National Consortium for Multicultural Education for Health Professionals <http://culturalmeded.stanford.edu/news/laws.html> also maintains a list of national and state laws related to cultural competency.