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Auxiliary Aid Service Provision and Network Monitoring Plan

This plan delineates how Community Counseling Center of Central Florida, LLC (CCCCF) provides auxiliary aid services to persons and/or companions who are deaf or hard-of-hearing or who have Limited English Proficiency (LEP).

Introduction

It is the policy of CCCCCF to ensure that persons who are deaf or hard-of-hearing are afforded equal opportunity in employment and in receiving services as stipulated by Section 504 of the Rehabilitation Act of 1973 (hereinafter referred to as 'Section 504') and the Americans with Disabilities Act (ADA), as well as Department of Children and Families Operating Policy (DCF CFOP) 60-10, Chapters 1, 3 & 4.

Purpose

The purpose of this plan is to ensure that effective communication with deaf or hard-of-hearing persons or companions is taking place at CCCCCF. This plan delineates how CCCCCF provides services to individuals who require auxiliary aids and ensures operational performance in providing appropriate auxiliary aids and compliance with: 1. Title II of the Americans with Disabilities Act (ADA); 2. Section 504 of the Rehabilitation Act of 1993; 3. Section M of the Settlement Agreement between the Department of Children and Families (DCF) and the United States Department of Health and Human Services (HHS) on January 26, 2010; 4. DCF Operating Procedures; and 5. CCCCCF Auxiliary Aids Services Policies and Procedures.

- A. **GOALS AND OBJECTIVES** - The goals and objectives reflected herein are designed to identify methods within CCCCCF's programs, policies and procedures that ensure adequate provision of auxiliary aids and services to persons and/or companions who are deaf or hard-of hearing.
- B. **AREAS OF RESPONSIBILITY** - CCCCCF's Single Point of Contact (SPOC) is responsible for the development, implementation, revision and oversight of the CCCCCF auxiliary aids plan. That person is Corrie Kindyl.
- C. **DEFINITIONS**
 - a. *Aid Essential Communication Situation* – Any circumstance in which the importance, length, and complexity of the information being conveyed is such that the exchange of information between parties should be considered as an aid essential communication

situation, meaning that the requested auxiliary aid or service is always provided.

- b. *Auxiliary Aids and Services* – Includes qualified interpreters or other effective methods of making aurally delivered materials available to individuals who are deaf or hard of hearing; qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual limitations; acquisition or modification of equipment or devices; and other similar services and actions.
- c. *Captioning (Real Time)* – This is the simultaneous conversion of spoken words to text, through computer assisted transcription or court reporting, and displaying the text on a video screen. This communication service is beneficial to individuals who are deaf or hard of hearing that do not use sign language or for whom assistive listening devices and systems are ineffective.
- d. *Certified Interpreter* – Is a person who is certified by the national Registry of Interpreters for the Deaf (RID) or other national or state interpreter assessment and certification program.
- e. *Certified Deaf Interpreter* – Is an individual who is deaf or hard of hearing and has been certified by the RID as an interpreter.
- f. *Deaf Person* – A term used to describe a person whose hearing is totally impaired or whose hearing, with or without amplifications, is so seriously impaired that the primary means of receiving spoken language is through visual or other sensory input including, but not limited to, lip reading, sign language, finger spelling or reading, gestures or tactile signs.
- g. *Dual Sensory* – A term used to describe a person having both a visual disability and a hearing disability. The term includes all ranges of loss, which would necessitate the use of auxiliary aids and services for communication.
- h. *Florida Relay Service (FRS)* – A service offered to all persons in the state that enables a hearing person to communicate with a person who has a hearing or speech disability and must use a TDD/TTY through a specially trained operator called a communications assistant.
- i. *Hard-of-Hearing* - A term used to describe a person having permanent hearing limitations that are severe enough to necessitate the use of auxiliary aids or services to discern speech sounds in verbal communication.
- j. *Intermediary Interpreter* – Is a Certified Deaf Interpreter or Deaf Interpreter also known as a relay or intermediary interpreter, can be used in tandem with a qualified sign language interpreter.
- k. *Interpretation* – Is an oral language assistance service.
- l. *Limited English Proficiency (LEP)* – Is a limited ability to speak, read, write, or understand the English language at a level that permits a person to interact effectively with health and social

service agencies and providers. Persons with LEP are referred to as persons who are Limited English Proficient.

- m. *Non-Aid Essential Communication Situation* – Is a situation in which DCF, CFCHS and network providers/subcontractors such as CCCCFF have flexibility in the choice of appropriate auxiliary aids or services for customers or companions to ensure effective communication.
- n. *Oral Transliterations/Oral Interpreters* – Are individuals who have knowledge and abilities in the process of speech reading, speech production and the communication needs of speech readers.
- o. *Qualified Interpreter* – Is an individual who is able to interpret competently, accurately, impartially and effectively, both receptively and expressively, using any specialized terminology necessary for effective communication with a customer or companion who is deaf or hard of hearing.
- p. *Qualified Interpreter in Mental Health* – Is a qualified foreign language interpreter/translator who is also familiar with behavioral health terminology and practices.
- q. *Sign Language Interpreter* – Is a person who engages in the practice of interpreting using sign language.
- r. *Single Point of Contact (SPOC)* – Is an individual charged with coordinating auxiliary aids and communication assistance services to customers and companions with disabilities or Limited English Proficiency.
- s. *Tactile or Close Vision Interpreter (for individuals who are deaf-blind)* – Is an individual who accurately facilitates communication between individuals who are deaf and blind.
- t. *Translation* – Is a written communication service. Translators convert written materials from one language into another. They must have excellent writing and analytical ability, and because the translations that they produce must be accurate, they also need good editing skills.
- u. *TTY/TDD* – TTY (Teletypewriter) or TDD (Telecommunications Device for Deaf) are devices that are used with a telephone to communicate with persons who are deaf or hard of hearing or who have speech limitations by typing and reading communications.
- v. *Visual Disability* – Is a generic term used to describe any loss of vision.

Procedure

1. CCCCFF will train all staff in the provision of auxiliary aids services as required by the DCF-HHS Settlement Agreement, upon hire, and annually thereafter. The training is titled the DCF mandated online training “Serving Our Customers who are Deaf or Hard of Hearing”. CCCCFF will provide monthly compliance summaries directly to HHS Compliance Report Database and will forward the confirmation e-mail from the “Regional Civil

- Rights Officer” to their respective Contract Manager (and/or upload to the Central Florida Cares Health System Inc. Drop Box). As of 2020 reports are uploaded to the CFCHS Drop Box system.
2. All staff shall review and sign the CCCCCF Support to the Deaf or Hard-of-Hearing Attestation Form that acknowledges understanding of auxiliary aid services and procedures to properly serve customers who are deaf or hard-of-hearing. In addition, the CCCCCF Support to the Deaf or Hard-of-Hearing Attestation Form will be part of the New Hire Information Packet and included in the staff personnel files. Annual attestations and completed certificates showing compliance for Modules 1,2, and 3 (and 4 for the SPOC) will be placed in the staff personnel files.
 3. CCCCCF has designated a Single Point of Contact (SPOC), Corrie Kindyl, to ensure that the agency is equipped with the resources necessary to ensure effective communication with clients or companions who are deaf or hard-of-hearing; and to ensure that auxiliary aid services are documented properly.
 4. The SPOC will ensure that auxiliary aids are available for use by customers and companions and persons with LEP, at no cost to the client/customer or companion during all phases of the service delivery process (e.g. telephone inquiries, special accommodations requests, intake interviews, service delivery, complaints, training, access to services, meetings open to the public, etc.) The SPOC will also periodically monitor auxiliary aid services and will work to ensure compliance with the applicable requirements of Section 504, ADA and DCF CFOP 60-10.
 5. The SPOC shall ensure that the notices which include the availability of appropriate auxiliary aids and services at no cost to the deaf or hard of hearing customers or companions and persons with Limited English Proficiency are posted in a conspicuous place accessible to visitors at all points of client entry.
 6. CCCCCF staff will determine with the customer his/her preferred communication method to accommodate their needs. CCCCCF staff shall ensure that the following forms provided by DCF are utilized to meet the actions outlined in numbers 1-6 above:
 - a. Customer or Companion Communication Assessment and Auxiliary Aid and Service Record Form (DCF Form CF 761).
 - b. Communication Plan for Ongoing Services (to be documented as part of DCF Form CF 761).
 - c. Customer or Companion Request for Free Communication Assistance or Waiver of Free Communication Assistance (DCF Form CF 763).
 - d. Customer/Companion Feedback Form (Appendix D of DCF Auxiliary Aids Plan March 2012).
 7. For scheduled appointments, the interpreter shall be available at the time of the appointment or within two hours at the latest. For non-scheduled appointments, arrangements shall be made immediately and CCCCCF shall

- try to get an interpreter within two hours, or as soon as possible, taking in consideration the client's schedule.
8. Staff shall be aware of the difference between "Aid-Essential Communication" vs. "Non-Essential Communication", as stipulated in the 'definitions' section of this plan. For all Aid-Essential Communication, staff shall ensure there is always an interpreter available due to the nature of the communication being exchanged. *If the client refuses the services of an interpreter, the staff should explain that they have the right to do so. However, the agency needs to make use of an interpreter due to the importance and nature of the communication being exchanged.*
 9. If after service provision, staff realizes that the auxiliary aid provided was ineffective, staff should reassess the situation by consulting with the client to find out what went wrong. Based on the information obtained additional auxiliary aid services will need to be rescheduled.
 10. Staff shall notify any referral agency (i.e. when arranging referrals to outside agencies) the communication preferences of the client and companions and any auxiliary aids and/or LEP services that are needed.
 11. Records relating to auxiliary aids and services provided shall be retained for a minimum of ten (10) years.
 12. SPOCs shall ensure that all public event/meeting notices and materials designed for clients include information about provision of auxiliary aids, and special accommodations should be made for individuals with disabilities.
 13. CCCCf shall keep on hand Auxiliary Aids Plan, or policies and procedures, to guide employees on the steps to follow when serving clients who require auxiliary aid services. Such plan should also include information about how monitoring is implemented to ensure compliance with the stipulations of the DCF-HHS Settlement Agreement. See attached monitoring tool from CFCHS.
 14. Only certified interpreters should be used, staff shall request proof of qualifications and applicable certifications upon request of each service, or by checking the Florida Registry of Interpreters for the Deaf (FRID) at <http://www.fridcentral.com>
 15. Staff and providers should also make use of the Florida Relay Service which is the communications link for people who are Deaf, Hard of Hearing, Deaf/Blind, or Speech Disabled. Through the Florida Relay Service, people who use specialized telephone equipment can communicate with people who use standard telephone equipment. To call Florida Relay, dial 7-1-1, or use the appropriate toll-free numbers:
 - a. 1-800-955-8771 (TTY)
 - b. 1-800-955-8770 (Voice)
 - c. 1-800-955-1339 (ASCII)
 - d. 1-877-955-8260 (VCO-Direct)
 - e. 1-877-955-5334 (STS)
 - f. 1-877-955-8773 (Spanish).
 16. CCCCf has processes in place to address complaints and grievances regarding auxiliary aid service provision (Please reference CCCCf's

Grievance Policies & Procedures located in the lobby of the administrative office). In addition, clients/companions shall be informed of their right to file a written or oral complaint or grievance of discrimination within 180 days of the alleged discriminatory act with:

- a. Assistant Staff Director Department of Children and Families (DCF) Human Resources – Office of Civil Rights 1317 Winewood Boulevard Building 1, Room 110 Tallahassee, Florida 32399-0700 (850) 487-1901; or TDD (850) 922-9220; or Fax (850) 921-8470
 - b. United States Department of Health and Human Services (HHS) Attention: Office for Civil Rights Atlanta Federal Center, Suite 3B70 61 Forsyth Street, SW Atlanta, Georgia 30303-8909 (404) 562-7888; TDD/TTY (404) 331-2867; or Fax (404) 562-7881, or Fax (404) 527-4517
 - c. United States Department of Agriculture (USDA) Attention: Office of Civil Rights Atlanta Federal Center, Suite 8T36 61 Forsyth Street, SW Atlanta, Georgia 30303-3427 (404) 562-0532; TDD/TTY (202) 720-5964; Fax (404) 527-4517
 - d. United States Department of Justice (USDOJ) Office for Civil Rights – Office of Justice Programs 810 7th Street, NW Washington, DC 20531 (202) 307-0690; or TDD/TTY (202) 307-2027; or Fax (202) 616-9865
 - e. United States Department of Justice (USDOJ) Civil Rights Division– Disability Rights Section 1425 New York Avenue Washington, DC 20530 (800) 514-0301; or TDD/TTY (800) 514-0383
17. CCCCFF shall always provide auxiliary aids, at no cost to clients and companions, in situations that involve Aid-Essential Communication. However, if after conducting the assessment, CCCCFF determines that the communication at time of issue is not Aid-Essential and does not warrant provision of the auxiliary aid requested by the client or companion; CCCCFF shall provide written notification of the denial to the client/companion. The denial notification shall document the date and time of the denial, the name and title of the employee who made the determination, the specific time of auxiliary aid that was denied, and the basis for the denial. All denials of auxiliary aids should be approved in writing by the SPOC, i.e. Dr. Corrie Kindyl.

Monitoring Protocol by CFCHS

CCCCFF acknowledges that:

- ❖ **SUBCONTRACTORS/PROVIDERS are SUBJECT TO MONITORING**
 - All CFCHS subcontractors/providers that have direct contact with clients/consumers and companions who are deaf or hard-of-hearing will be subject to monitoring as set forth in this plan.
- ❖ **APPLICABILITY, FREQUENCY, METHOD**
 - Monitoring of subcontractors/providers that have more than 15 employees/volunteers will take place periodically, unless a frequent review need is identified by the CFCHS SPOC.
 - Monitoring method may include:

- Desk reviews of the provider's Auxiliary Aids Policies and Procedures and Auxiliary Aids Services and Monitoring Plans. Desk reviews are employed with the goal of causing the least disruption possible in the provider's direct care service operations.
 - Onsite visits that include File Reviews (Clients, and Human Resources files for staff), Facility Inspection, and Staff Interviews.
- ❖ SUBCONTRACTORS/PROVIDERS WITH LESS THAN 15 EMPLOYEES
 - CFCHS subcontractors/providers with less than 15 employees/ volunteers may be subject to desk reviews of their auxiliary aid policies and procedures but are not required to have an auxiliary aids services and monitoring plans. These providers are still expected to provide auxiliary aids and assist persons who are deaf or hard-of-hearing access services provided by their organization.
 - ❖ DEFICIENCIES
 - If deficiencies are found in any area, CFCHS staff will follow the guidelines delineated by CFCHS 'Subcontractor Monitoring', and 'Corrective Action Plan Request' policies and procedures found available upon request to CFCHS contract management department.
 - ❖ MONITORING PLAN REVIEW
 - This Monitoring Plan is reviewed annually and may be revised more frequently based on previous monitoring outcomes.

Guidelines for Monitoring by CFCHS

CCCCF acknowledges that:

- ❖ NOTICE
 - Auxiliary Aids monitoring will take place along with the Onsite Contract Compliance Monitoring scheduled by the CFCHS contract managers, or independently when needed. The monitoring tools along with CFCHS Auxiliary Aids and Monitoring Plan are available for review at www.centralfloridacares.org. The selection of Human Resources (HR) files and staff to be interviewed will take place randomly the day of the on-site visit based on availability.
- ❖ AUXILIARY EQUIPMENT
 - The agency's auxiliary aid equipment shall be tested to ensure proper function, use and access by staff as applicable.
- ❖ DOCUMENT REVIEW
 - The CFCHS SPOC (or designated monitoring staff) will request and review the following documents:
 - Auxiliary Aids and Services Plan
 - CFCHS will review the agency's Auxiliary Aids and Services Plan ('The Plan') prior to the onsite monitoring to ensure that it is current and compliant with the current DCF CFOP 60-10, and DCF-HHS Settlement Agreement.

- Where necessary, policies and procedures will be revised to reflect current DCF policy relative to providing auxiliary aids and services to persons or companions who are deaf or hard-of-hearing.
 - The Plan should reference current auxiliary aids and services used by the deaf or hard-of-hearing community as well as the agency's process for providing these services in a timely manner.
 - CFCHS will provide technical assistance if the provider relies upon outdated auxiliary aids or services, or if the agency does not utilize auxiliary aids commonly used by the deaf or hard-of-hearing community.
- Policies and Procedures Addressing Accommodations, Auxiliary Aids, Accessibility, and Service Provision to Individuals with Disabilities
 - CFCHS will review the agency's policies and procedures that address accommodations, auxiliary aids provision, accessibility and service provision to individuals with disabilities. The focus of this review is to determine compliance of the agency's policies and procedures with auxiliary aids service requirements, implementation and scope.
 - Auxiliary Aid Monitoring Plan
 - CFCHS will review the agency's monitoring plan, and ensure there are provisions for the SPOC, or designee, to evaluate the appropriate provision of auxiliary aids.
 - Auxiliary Aid Record Monthly Summary Reports
 - Each subcontractor who provides direct care services and has more than 15 employees shall report monthly to the HHS Form site Data Base at: https://fs16.formsite.com/dcfuser/monthly-summary-report/form_login.html Subcontractors shall forward receipt of e-mail confirming completion to their CFCHS Contract Manager. Copies of the monthly reports shall be kept on file by the subcontractor/provider.
 - Completed Self-Assessment
 - Every three years DCF will conduct Statewide Self-Assessments to evaluate the subcontractors/provider ability and preparedness to provide auxiliary aids and services. The DCF 504/ADA Coordinator will distribute the self-assessment tool and provide a time frame for when the assessment needs to be returned to DCF. The CFCHS SPOC will ensure that the assessment is completed by each subcontractor's/provider's SPOC. Copies of self-assessments and proof of submission shall be kept on file by the subcontractor/provider SPOC.

- Case file review
 - Client/consumer service records will be reviewed to ensure that the following documents have been properly completed, and that the progress notes reflect actions taken to ensure proper provision of auxiliary aids:
 - Customer/Companion Communication Assessment and Auxiliary Aid Record;
 - Customer/Companion Request for Free Communication Assistance or Waiver of Free Communication Assistance;
 - Communication Plan for Ongoing Services;
 - Customer/Companion Feedback Form (which customer/companion should mail to Tallahassee, NOT kept in client record); and
 - Interpreter/auxiliary aid service provider billing documentation. The number of case files to be reviewed will depend on the amount of auxiliary aid services provided at the facility for the given period of the monitoring.
- Personnel Files Review
 - The personnel file review will be done by the CFCHS HR specialist during the 'Onsite Compliance Monitoring'. The HR file for the subcontractor SPOC shall always be included. The HR file review will include:
 - Proof of auxiliary aid training within 60 days of hire;
 - Annual refresher training; and
 - Employee Support for the Deaf and Hard-of-Hearing Attestation Form.
- Client/Consumer Complaints or Grievances
 - CFCHS will review the agency's process to address all discrimination complaints and grievances filed by employees and customers. The complaint and grievance process should contain a provision allowing clients/consumers or companions to file discrimination complaints with an external agency. The procedure must provide addresses and contact information for the external agencies.
- SPOC Position Description
 - CFCHS will review the agency's position description for its SPOC to ensure that the individual has the expertise necessary to serve in this role and also that the position fulfills the requirements of the Settlement Agreement.
- TOUR OF AGENCY
 - Verify that the three required notices (Interpreter Services for the Hearing-Impaired Poster, DCF Non-discrimination Poster, and Limited English Proficiency Poster) are

posted in appropriate locations and are of appropriate size (11x17);

- Ensure that the fire alarms have lights along with sound;
 - Confirm that the provider's Auxiliary Aid Plan is posted in the provider's website; and/or the provider has included information about auxiliary aid and special accommodations access at no cost to the clients.
 - Review the agency's public notifications, handbooks, and brochures to ensure they provide information for individuals with disabilities regarding auxiliary aids, and how to request special accommodations.
- INTERVIEWS
 - CFCHS will interview the agency's SPOC as well as other staff who have direct contact with clients/ companions. Staff to be interviewed will be selected randomly the day of the on-site visit.

Outcomes

CCCCF acknowledges that:

- Any indicators of non-compliance shall be reviewed by CFCHS to determine if further investigation is warranted. Corrective measures shall be developed in accordance with the findings. Corrective measures may include, but are not limited to, retraining of staff, programmatic system review, or other actions as appropriate.
- The report must detail all areas where a subcontractor/provider has not implemented the terms of the Settlement Agreement and specify any area where corrective action and technical assistance may be needed. The provider will be required to submit the corrective action plan to CFCHS within (30) calendar days of receipt of the report.
- For those subcontractors subject to corrective measures, CFCHS will periodically request follow-up information to ensure that the provider is complying.

Respectfully submitted,

Corrie L. Kindyl, Ph.D.

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