POLICY METADATA

(1) Policy Type — Support Service
(2) Policy Status — Approved
(3) Policy Author — Cindy Brock
(4) Initial Effective Date — 1/1/2017
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(6) Next Review Date — 1/1/2018 or as needed

BACKGROUND

Federal law and Idaho Medicaid regulations require Medicaid providers to make reasonable modifications in their practice or clinics to ensure participants, who have a limited ability to read, speak, write, or understand English have full access to Medicaid services. This limitation is referred to as Limited English Proficiency (LEP).

LEP individuals are entitled to language assistance to help facilitate the delivery of Medicaid services. Medicaid providers may utilize methods such as interpretation, translation, or Braille to meet the requirements for effective communication. However, these services must be free of charge to Medicaid participants.

POLICY INTENT AND RATIONALE

Reimbursement for costs associated with interpretation, translation, or sign language services are limited by both federal and state regulations. This policy is specific to how Idaho Medicaid will reimburse Medicaid providers for these services within those regulations. It is not intended to address how each practice or clinic must meet other federal and state regulations pertaining to nondiscrimination in health programs and activities.

POLICY

When a non-institutional provider is unable to communicate with a participant due to deafness, hearing impairment, vision impairment or LEP, Idaho Medicaid will provide reimbursement for the provision of interpretation, translation, Braille or sign language services. The language service may be provided in person or via telehealth. It is the responsibility of the provider or its agency to hire or contract with a qualified interpreter or translator to facilitate communication with a participant when they are providing a Medicaid-reimbursed service. If interpretive services are provided through the use of telehealth, the interpretive services must be delivered in accordance with the Idaho Medicaid Telehealth Policy.

If the participant is under the age of 18 years, and either the child or the parent/guardian is deaf, hearing or vision impaired, or a person with LEP, then interpretation and/or translation services must be provided to facilitate the care of the participant receiving the Medicaid-reimbursed service.
"Wait time" is reimbursable only when a participant is in surgery or receiving other Medicaid reimbursed services without the interpreter present such as in the radiology suite.

Reimbursement for interpretation, translation, or sign language services is not available for:

- Administrative services such as:
  - scheduling appointments
  - making reminder calls
  - canceling appointments
  - travel time for the interpreter
  - no show appointments
- Assisting participants to understand information not related to the Medicaid-reimbursed service
- Interpretation services provided by an immediate family member (e.g., parent, spouse, sibling, child)
- Interpretation or translation services provided by any individual not meeting the definition of a qualified interpreter/translator. (Note: The provider delivering the Medicaid-reimbursed service must ensure that the individual is qualified to communicate directly with the participant).
- Interpretive or translation services when the provider of the Medicaid-reimbursed service is able to communicate effectively, orally or in writing, with the participant.
- Teaching sign language
- Services not reimbursed by Medicaid (e.g., claim is denied)
- Providers who do not bill fee-for-service or those entities where interpretation services are considered part of the provider’s cost of doing business (e.g., hospitals, home health agencies, hospices, long-term care facilities or rehabilitation facilities such as residential assisted living facilities or skilled nursing facilities).
- Services provided through a Medicaid managed care contractor (e.g., dental or behavioral health services), unless payable under the managed care contractor’s fee schedule.

**Documentation**

Providers must generate documentation at the time of service sufficient to support the claim for reimbursement of interpretive, translation, or sign language services. Sufficient documentation must include the following elements:

- Name of the participant
- Participant’s Medicaid ID#
- If the participant is a child, name and relationship of the family member being interpreted for must be documented.
- Name, title, and signature of the medical provider of the Medicaid service
- Description of the Medicaid-reimbursed service and the translation service being provided (e.g., document translation, interpreting for nurse/physician)
- Name, signature, and title (if applicable) of the individual providing interpretive or translation services
- Date, time, and duration of the interpretive or translation service
- Any “wait time” must be documented as such (e.g., when the participant is in surgery, receiving other services such as time in the radiology suite without the interpreter present).

If the interpretation or translation service is provided to support a service within a school, both the Medicaid-covered service and the need for interpretation services must be documented in the student’s individualized education plan.
Interpretive or Translation Services for Sterilization Procedures
An interpreter providing interpretation services to any individual considering sterilization who is visually impaired, legally blind, deaf, hard of hearing, a person with LEP, or otherwise physically/mentally impaired, must ensure the information from the Sterilization Consent Form is effectively, accurately, and impartially communicated directly to the participant or their guardian. The interpreter’s signature on the statement certifies:

- The participant was given adequate information to understand the services.
- The provider’s advice was effectively, accurately, and impartially communicated directly to the participant.
- The sterilization consent form was read and effectively, accurately, and impartially explained to the participant.
- To the best of their knowledge and belief, the participant understood the interpreter and was able to effectively communicate any relevant questions or the circumstances of his or her situation to the providers.

If the interpreter fails to complete the statement correctly, all claims regarding the sterilization, including physician, hospital, and anesthesiologist charges, will be denied.

General Information
Medicaid providers must not require a participant to provide his or her own interpreter or translation services and must not rely on an adult or child accompanying an individual who is deaf, hard of hearing, or a person with LEP to interpret or to facilitate communication. Exceptions to this:

- emergency situation involving an imminent threat to the safety and welfare of an individual or the public
- participants specifically request that an accompanying adult family member or friend interpret for them

Both “exceptions” must be determined to be appropriate by the medical provider (e.g. appropriate for the procedure/service being rendered)

Translation services may be provided via telehealth when the method of communication does not jeopardize the care of the client and when services are delivered in accordance with the Idaho Medicaid Telehealth policy.

This policy document (as of its effective date) replaces any superseding interpretation service(s) policy documents to include: MedicAide articles and Information Releases.

APPLICABLE SERVICES

The following CPT codes are covered.

<table>
<thead>
<tr>
<th>CPT Code</th>
<th>Description</th>
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<tbody>
<tr>
<td>T1013</td>
<td>Language Interpretive – Oral Services, per 15 minutes</td>
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<tr>
<td>T1013-CG</td>
<td>Sign language interpretive services,</td>
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RESOURCE LIST

For assistance in finding interpreters, please contact:

- Agency for New Americans
- Boise Interpreters
- CSI Refugee Program
- CTS Language Link
- Idaho Commission for the Blind and Visually Impaired
- Idaho Commission on Hispanic Affairs
- Idaho Council for the Deaf and Hard of Hearing
- Idaho Educational Services for the Deaf & Blind
- Idaho Office for Refugees
- Idaho Relay Service
- International Rescue Committee
- ISU Sign Language Interpreting
- National Federation of the Blind of Idaho
- Network Interpreting Service
- Nexus Interpreting Northwest
- World Relief

This is not an exhaustive list. There may be other resources available in your community.

DEFINITIONS

Auxiliary aids and services: Services and devices, such as qualified interpreters, who make information available to individuals who are deaf, hard of hearing, blind or visually impaired.

Blind or visually impaired: A person whose visual acuity with correcting lenses is not better than 20/200 in the better eye, or a person whose vision in the better eye is restricted to a field which subtends an angle of not greater than twenty (20) degrees or less, or a person who is functionally blind or without any sight.

Deaf: A person with a chronic hearing impairment so severe that most speech cannot be understood with optimum amplification, or with a progressive hearing loss having a prognosis leading to this condition.

Functionally blind: A person with a visual impairment which constitutes or results in a substantial impediment to employment or substantially limits one or more major life activities.

Qualified interpreter/translator: An interpreter or translator, who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include, for example, sign language interpreters, oral translators, and cued-language translators.

Sign Language: A language comprised of several major communication systems which uses different approaches, such as specific visual gestures, one or both hands, and signs for words to communicate with those who are deaf or hard of hearing.
REFERENCES

Federal Law
- Americans with Disabilities Act of 1990
- Title VI of the Civil Rights Act of 1964
- Section 504 of the Rehabilitation Act of 1973
- Code of Federal Regulations
  - 42 CFR 430.2(b)
  - 45 CFR Part 80; Part 84; Part 92 – Nondiscrimination under programs receiving federal assistance through HHS

Idaho Commission for the Blind & Visually Impaired
http://www.icbvi.state.id.us/

Idaho Council for the Deaf and Hard of Hearing
https://cdhh.idaho.gov/resources/

IDAPA Title and Section
- IDAPA 16.03.09, Section 330, 683, 853, 854.03
- IDAPA 15.02.04, Section 10

Medicaid Articles
- January 2017
- September 2012
- January 2010
- December 2008
- December 2006

Other Resources
- HHS.gov – Civil Rights
- Idaho Medicaid Telehealth Policy
- Limited English Proficiency (LEP)
- Medicaid.gov
- Montana Medicaid Cultural and Language Services Policy
- Translation & Interpretation Services
- Washington State Health Care Authority

Provider Handbooks
- Agency Professional
- Allopathic & Osteopathic Physicians
- General Billing Instructions