

Auxiliary Aids and Services for the Deaf or Hard of Hearing

Authority: Contract
CFOP 60-16
Section 504, Rehabilitation Act of 1973
Title II and III of the Americans with Disabilities Act of 1990

Frequency: Annual Monitoring

The Department of Children and Families has entered into a settlement agreement with the U.S. Department of Health and Human Services which is designed to bring DCF into compliance with Title II of the Americans with Disabilities ACT and Section 504 of the Rehabilitation Act in its provision of healthcare and social services to persons who are deaf or hard of hearing. This Incorporated Document applies to all Network Service Providers under contract with the Managing Entity who employ fifteen (15) or more employees and who provide direct client services.

The CFOP 60-10 describes the process for ensuring that individuals who are deaf or hard of hearing are afforded the same opportunity in employment, and afforded the same opportunity to receive services, as other persons. This operating procedure also sets the terms and conditions for sign language interpreter services as required by federal law and regulations; and provides guidance and assistance regarding the scope and nature of sign language interpreter services. Persons who are deaf or hard or hearing shall receive reasonable accommodations in accessing services through the use of auxiliary aids and/or qualified interpreters at no cost to themselves.

As a recipient of Federal financial assistance, the DCF is subject to Section 504 of the Rehabilitation Act of 1973, 29 USC 794, as implemented by 45 CFR Part 84 (referred to as Section 504) and Title II of the Americans with Disabilities Act of 1990, 42 USC 12131 as implemented by 28 CFR Part 35 (referred to as ADA or Title II). DCF has experienced three discrimination complaints related to the DCF's failure to adequately accommodate, as required by Section 504 and the ADA, the deaf or hear-of-hearing clients and, where necessary, their companions. In order to resolve these matters expeditiously and without further burden or expense of government investigation or litigation, DCF has agreed to the terms of Settlement Agreement with OCR. DCF has affirmed its assurance of its intention to comply with all provision of Section 504, Title II, and any regulations promulgated under those authorities. The Settlement Agreement requires DCF to take measures designed to ensure that it will provide auxiliary aids and services when necessary to ensure effective communication with deaf or hard of hearing customers to companions.

The Network Service Provider and its applicable subcontractors shall:

- (1) Comply with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, as implemented by 45 C.F.R. Part 84 (hereinafter referred to as Section 504) and the Americans with Disabilities Act of 1990, 42 U.S.C. 12131, as implemented by 28 C.F.R. Part 35 (hereinafter referred to as ADA).
- (2) Review and implement the provisions of Florida Department of Children and Families Operating Procedure 60-16 including all applicable chapters which is available on the Department's public website.

- (3) Within thirty (30) days of the effective date of this requirement, ensure compliance with section 504 and the ADA. A single-point-of-contact (SPOC) (also referred to as, “ADA/Section 504 Officer/Coordinator”) shall be required for each agency that employs fifteen (15) or more employees. This single-point-of-contact will ensure effective communication with deaf or hard of hearing customers or their companions in accordance with Section 504 and the ADA and will coordinate activities and reports with the Managing Entity. The name and contact information for the Network Service Provider’s Single-Point-of-Contact shall be furnished to the Managing Entity within 14 calendar days of the effective date of this requirement.
- (4) The Single-Point-of-Contact shall ensure that employees are aware of the requirements, roles & responsibilities, and contact points associated compliance with Section 504 and the ADA. Further, employees of Network Service Providers and its subcontractors with fifteen (15) or more employees shall attest in writing that they are familiar with the requirements of Section 504 and the ADA, and CFOP 60-16, Chapter 3. This must be completed upon hire and when the SPOC changes. This attestation shall be maintained in the employee’s personnel file.
- (5) The Network Service Provider’s Single-Point-of-Contact will ensure that conspicuous Notices which provide information about the availability of appropriate auxiliary aids and services at no-cost to the deaf or hard-of-hearing customers or companions are posted near where people enter or are admitted within the agent locations. The Department’s Non-discrimination Policy, Limited English Proficient and Interpreter Services for the deaf or hard of hearing posters will be displayed in buildings’ main entrances, lobby areas, waiting areas, and on bulletin boards and Network Service Provider websites, if applicable. The name, telephone number, and TDD number for the 504/ADA Coordinator or Civil Rights Officer will be listed on the poster for the deaf or hard of hearing to ensure accessible services to customers and companions.
- (6) Include descriptive information on the availability of auxiliary aids and services to persons requiring assistive listening devices or aids in announcements related to meetings, employment or job opportunities, seminars, workshops, and conferences, as well as to services offered by the Department and its Contracted Client Services Providers.
- (7) Document the customer’s or companion’s preferred method of communication and any requested auxiliary aids/services provided in the customer’s record. Documentation, with supporting justification, must also be made if any request was not honored. The Network Service Provider shall submit Compliance Reports monthly, not later than the 5th business day of each month to the Department’s ADA coordinator and no later than the 8th day of each month to the Managing Entity, in the manner provided by the Managing Entity.
- (8) Distribute Customer Feedback forms to customers or companions, and provide assistance in completing the forms as requested by the customer or companion. Feedback forms are to be submitted to the Department directly and shall not be retained (in original form or copy) in the client’s chart or file. The Network Service Provider shall notate the client’s file to indicate that the feedback form was provided and whether or not assistance in completing the form was rendered.
- (9) When auxiliary aids and services are necessary, the Network Service Provider shall maintain a document which allows the deaf or hard of hearing client to make a choice of an auxiliary aid or service (e.g., interpreter, CART, writing) and the provider will honor that unless another

effective means of communication exists, or use of the means chosen would not be required by law. The document shall be maintained in the client's file throughout the treatment period.

- (10) Make a certified interpreter for the deaf or hard of hearing consumer or companion available as soon as possible, but in any case, no later than two (2) hours from the time the client requests an interpreter, whichever is earlier.
- (11) If customers or companions are referred to other agencies, the Network Service Provider must ensure that the receiving agency is notified of the consumer's preferred method of communication and any auxiliary aids/service needs. A list of the ADA coordinators for the Florida Department of Children and Families is available here:

https://www.myflfamilies.com/service-programs/deaf-and-hard-hearing/docs/HHS_CivilRightsOfficers-ADA-504Coordinators.pdf

- (12) Ensure that all direct service employees and SPOCs complete the on-line course, "Serving our Customers who are Deaf or Hard of Hearing" annually. This four module training includes three courses for direct service staff and one for SPOCs. Documentation of completing of the online training must be maintained in the employee's file. The online training may be accessed here:

<https://www.myflfamilies.com/service-programs/deaf-and-hard-hearing/providers/training.shtml>

- (13) Ensure that all direct care staff shall be trained on how to obtain assistive devices, auxiliary aids, or other reasonable accommodations, and how to provide assistance to persons with disabilities and those with limited English proficiency. This training is mandatory and shall be tracked. Training shall include,
 - a. Procedures for serving customers and potential customers or companions who are deaf or hard of hearing, blind or who have low vision, mobility disabilities, or are Limited English Proficient.
 - b. Awareness of persons who are deaf, hard of hearing, have speech disabilities, who are blind or who have low vision, have reading disabilities, dyslexia, or mobility disabilities.
 - c. Communication options available.
 - d. How to provide auxiliary aids and services for qualified customers and potential customers, or companions, i.e. how to access or purchase auxiliary aids, including but not limited to, interpreter and Communication Access Real-time Translation (CART) services and physical modifications.
 - e. Requirements for making meetings, conferences and services accessible.
 - f. Awareness of the Auxiliary Aids and Service Plan for Person with Disabilities and Limited English Proficiency, including how to access the Plans for reference.
- (14) For any applicable subcontracts, ensure that all requirements under these provisions are passed to the subcontracted agency in clear language in writing in the body of the subcontract.

- (15) The Network Service Provider's Single Point of Contact and that of its subcontractors shall process the compliance data into the Department's HHS Compliance reporting database by the 5th business day of the month at https://fs16.formsite.com/DCFTraining/Monthly-Summary-Report/form_login.html, covering the previous month's reporting, and forward confirmation of submission to the Network Manager by the 8th business day of the month. The Network Service Provider's subcontract must submit the compliance data to the Network Service Provider, the Network Service Provider must then compile the information with its own compliance data and enter into the database.

Compliance Monitoring

Monitoring will be conducted to assess the Network Service Providers and their subcontractors' compliance with providing services to persons with disabilities and who are limited English Proficient. Monitoring may be conducted onsite or through desk reviews.

References:

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<https://www.myflfamilies.com/admin/publications/cfops/CFOP%2060-xx%20Human%20Resources/CFOP%2060-16,%20Methods%20of%20Administration%20for%20Federal%20Financial%20Participation.pdf>

Statewide Auxiliary Aids and Service Plan

<https://www.myflfamilies.com/service-programs/deaf-and-hard-hearing/auxiliary-aids-plan.shtml>

Training Modules

<http://www.myflfamilies.com/about-us/services-deaf-and-hard-hearing/training>

Public Postings

<https://www.myflfamilies.com/service-programs/deaf-and-hard-hearing/providers/dcf-posters.shtml>