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Group Health Plans and Health Insurance Issuers: Internal Claims and Appeals and External Review Processes

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General Comment

On behalf of the Youth Law Center (YLC), I am submitting comment on the 10% threshold for translation and oral interpretation of private plan materials in the internal review and appeals context. YLC is a public interest law firm that works to protect children in the foster care and juvenile justice systems from abuse and neglect, and to ensure that they receive the necessary support and services to become healthy and productive adults. Receiving appropriate health care in and out these systems is a key factor in meeting the needs of these children and youth. I am a staff attorney with YLC and have worked with the limited English proficient (LEP) communities of California for over 20 years. A significant percentage of the youth in foster care and, in particular, the juvenile justice system come from homes where English is not the first language. California is highly impacted with respect to LEP populations, with 43 percent of all children enrolled in California schools coming from homes where English is not the first language. The 10% standard is far too high. A more appropriate standard would be "5%" of the plan's population or "500 persons in the plans service area". For some languages, such as Spanish, there should be absolutely no excuse for not translating all notices. Oral interpretation should be provided in all languages at all times. Too often the children that we represent cannot access needed services because of unnecessary language barriers that their families face.