

# *Medicaid Emergency*

Almost four years after the Office for Civil Rights of the United States Department of Health and Human Services issued a Letter of Findings stating that there were widespread civil rights violations against limited English proficient (LEP) and hearing-impaired New Yorkers within New York City's Human Resources Administration, Make the Road by Walking interviewed 101 LEP Medicaid claimants to see if New York City and State had complied with federal law and fixed these problems.

A report by  
Make the Road by Walking



September 2003

## **"MEDICAID EMERGENCY" - ABOUT THIS REPORT:**

In October of 1999, the Office for Civil Rights of the United States Department of Health and Human Services issued a Letter of Findings that condemned widespread civil rights abuses within New York City's Human Resources Administration (HRA). The Letter of Findings stated that:

1. Within HRA, limited-English proficient (LEP) welfare claimants were "denied language interpreter assistance during visits to public assistance offices;"
2. "Bilingual staff resources were insufficient" to serve LEP clientele; and
3. "The lack of adequate translation or interpreter services imposes significant barriers" on applicants and recipients of Public Assistance.

Almost four years later, Make the Road by Walking investigated whether or not city and state administrators had managed to correct the civil rights violations identified by the federal government at HRA.

From July to August of 2003, Spanish-speaking members of Make the Road by Walking visited the Central Medicaid Office in Manhattan and interviewed one hundred and one LEP Medicaid applicants and recipients. The results of those interviews are summarized in this report.

## **Make the Road by Walking:**

Make the Road by Walking is a membership-led organization. We promote economic justice and participatory democracy by increasing low-income people's power to achieve self-determination through collective action. Our multi-faceted approach includes:

***Organizing and Activism*** to build a stronger community, to make governing institutions subject to democratic community control, and to mobilize resistance to oppression based on race, class, gender, age, national origin, and sexual orientation.

***Collaborative Learning*** to share ideas and experiences, to analyze the root causes of the problems we face, and to strategize about how we can take action together to resolve these problems in a way that values the voice, perspective and contribution of every person.

***A Community of Support*** to provide badly needed services to members and leaders, to draw people into our educational and organizing activities, and to affirm an ethic of cooperation, mutual support, dignity and *animo*.



## ***Summary of Surveys***

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***Notwithstanding New York City and State's stated commitment to provide free translation and interpretation services, and their legal obligation under the Civil Rights Act of 1964 to provide these services:***

- **60%** had not even been informed by their caseworkers of their right to have interpretation services provided by HRA.
- **80%** had not even been informed of their right to interpretation services by other Center employees.

***For LEP Medicaid claimants, there are severe consequences of HRA's failure to provide legally required translation and interpretation services:***

**56%** of limited proficient NYers reported suffering inconvenience as a result of the lack of these legally mandated services.

**43%** reported that either they did not receive benefits or that their families benefits had been cut off as a result.

**28%** reported feeling humiliated by the lack of appropriate interpretation services, and

**19%** reported feeling discriminated against.



***The cost of Mayor Bloomberg's Human Resources Administration's failure to provide federally-mandated language assistance services is high for hundreds of thousands of vulnerable New York families:***

*I am Irania Sanchez and my daughters are named Gabriela and Aylin. They were born in Brooklyn and they are citizens of the United States. I was born in Managua, Nicaragua.*

*I have lived in the United States for many years. I have worked since I arrived in this country and I have studied. I lived in Los Angeles, California for almost two years. I arrived in New York in 1991 in order to be near my grandmother and my family. Also, I came with the desire to make progress and to be somebody important in this country. If you were to investigate my record at all of the jobs that I have held in New York, you would see that I have left all of my bosses smiling and very satisfied with my work. I am a person who works hard.*

*When my marriage broke up, I was left by myself to care for my daughters. Then it turned out that they both had a variety of bronchial problems and asthma. As a result of these circumstances, I had no alternative but to seek support from the government to be able to be available to help my daughters comply with her medication regimen. I had to hook Gabriela up to a machine to clean her lungs every six hours. When I went to apply for Medicaid, it was very difficult for me to communicate with the social workers because they only spoke English and I speak Spanish. My little bit of English is not enough to enable us to understand each other.*

*I had many difficulties applying for benefits. These difficulties affected my little daughter even more than they affected me. My social worker had no interest in giving my daughter Emergency Medicaid even though I brought him two letters, one from the general practitioner and another from a lung doctor. The worker was not at all helpful and he treated me very badly, saying insulting things about Hispanic people. I felt very badly because of him and was in a state of desperation because he was so unconcerned about the health of my daughter that I cried.*

*Thanks to the help of the organization Make the Road by Walking and the Committee for Equality for our Community, I began to feel better because a group of people and organizers is working to resolve problems like the one I had, and to inform people about the rights that each of us have. Especially because so many of us are unaware what the laws really are here in New York State.*

*I am seeing almost every day that the problems with accessing benefits for immigrants are worsening and it breaks my heart to see so many people desperate because their rights have been violated. How is it possible that the rights of our children are being each day more disrespected. Remember that the children are the future of this country. Do not forget that if there is not good nurturing and learning available for the young, they can have a difficult time achieving their dreams in this country.*

*I want the government to respect the civil rights of low-income people who do not speak English. We are flesh and blood, just like everyone else.*



# ***SAMPLE SURVEY INSTRUMENT IN ENGLISH***

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## Interview

1. Are you applying for public assistance or are you currently receiving public assistance?

APPLYING

RECEIVING

2. Do you speak English?

YES

NO

3. Does your caseworker speak Spanish?

YES

NO

4. Do you need a caseworker that speaks Spanish?

YES

NO

5. If your caseworker does not speak your language, in the last three months has he/she informed you of your right to translation services in the welfare center?

YES

NO

6. In the last three months, when you've spoken to other employees at the welfare center that are not caseworkers, have they spoken to you in your language or have looked for a translator in order to understand you?

YES

NO

7. If you did not received translation services at your welfare center, what were the resulting consequences for your family?

Didn't receive benefits

Benefits were cut off unjustly

Inconvenience

Humiliation

Felt discriminated against

Anything else:

***Interviewed By*** \_\_\_\_\_ ***Center:*** \_\_\_\_\_ ***Date:*** \_\_\_\_\_

## ***RECOMMENDATIONS:***

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### **In order to adequately serve New York City's LEP welfare applicants and recipients**

#### **New York State must:**

- Sign a corrective action agreement with the Office for Civil Rights of the Department of Health and Human Services to ensure equal access to benefits for limited English proficient (LEP) individuals.

#### **HRA must:**

- track primary language data of all LEP individuals who seek or receive services at their offices
- inform all LEP individuals who enter their offices that they have the right to free interpreter and translation services
- match all LEP Medicaid recipients with trained and certified bilingual caseworkers who speak their language
- hire adequate bilingual caseworkers and interpreters to serve LEP clients
- regularly train all HRA staff on their obligations under Title VI of the Civil Rights Act to provide equal access to all services for LEP individuals

#### **The City Council should:**

- pass *Intro 38A:the Equal Access to Health and Human Services Act*. This bill will require the Human Resources Administration, and agency contractors, to provide free translation and interpretation services to LEP individuals.

#### **The Mayor should:**

- sign *Intro 38A:the Equal Access to Health and Human Services Act* into law to ensure equal access to services at HRA and other City agencies, and to protect immigrant families by ending national origin discrimination against *all* New Yorkers.

**THE ENTITIES LISTED BELOW HAVE ENDORSED *INTRO 38A: THE EQUAL ACCESS TO HEALTH AND HUMAN SERVICES ACT:***

**44 NYC COUNCIL MEMBER SPONSORS**

1. John Liu
2. Gale Brewer
3. Charles Barron
4. Leroy Comrie
5. Bill DeBlasio
6. Erik Martin Dilan
7. Miguel Martinez
8. Hiram Monserrate
9. Eva Moskowitz
10. Bill Perkins
11. Christine Quinn
12. Diana Reyna
13. Joel Rivera
14. Jose Serrano
15. David Yassky
16. Tracy Boyland
17. Albert Vann
18. Helen Foster
19. Robert Jackson
20. Larry Seabrook
21. G. Oliver Koppell
22. Yvette Clarke
23. Lewis Fidler
24. Margarita Lopez
25. Phil Reed
26. Maria Baez
27. Alan Gerson
28. Kendall Stewart
29. James Sanders
30. David Weprin
31. James Gennaro
32. Allan Jennings
33. Eric Gioia
34. Domenic Recchia
35. Michael Nelson
36. Pedro Espada
37. Melinda Katz
38. Vincent Gentile
39. Sara Gonzalez
40. Helen Sears
41. Simcha Felder
42. Joseph Addabbo
43. Michael McMahon
44. Tony Avella

**OTHER ELECTEDS/GOV'T BODIES/ENDORERS**

1. NYC Council Black, Hispanic & Asian Caucus
2. Brooklyn Borough President Marty Markowitz
3. Congressman Joseph Crowley
4. Congressman Eliot Engel
5. Congresswoman Carolyn Maloney
6. Congressman Gregory Meeks
7. Congressman Major Owens
8. Congressman Charles Rangel
9. Congressman Edolphus Towns
10. Congresswomen Nydia Velazquez

**LABOR**

1. SEIU Local 32BJ
2. Central Labor Council
3. District Council 37
4. 1199/SEIU New York's Health & Human Service Union
5. NY State AFL-CIO
6. UNITE
7. SEIU NYS Council
8. New York Civic Participation Project
9. CWA, Local 1180
10. Transportation Workers, Local 100
11. AFGE Local 1151
12. Lodge 340 International Association of Machinists and Aerospace Workers

**ORGANIZATIONS**

1. Make the Road by Walking
2. The New York Immigration Coalition
3. Working Families Party
4. UJA Federation of NY

5. United Neighborhood Houses
6. Council of Senior Centers and Services of New York City
7. New York Association for New Americans
8. Alianza Dominicana
9. NY ACORN
10. Hispanic Federation
11. NOW Legal Defense & Education Fund
12. Commission on the Public's Health System
13. Asian Americans for Equality
14. Asian American Legal Defense and Education Fund
15. Puerto Rican Legal Defense and Education Fund
16. National Employment Law Project
17. The Welfare Law Center
18. New York Lawyers for the Public Interest
19. Gay Men's Health Crisis
20. Hunger Action Network of NYS
21. Federation of Protestant Welfare Agencies
22. Urban Justice Center
23. Community Food Resource Center
24. The Arab-American Family Support Center, Inc.
25. Chinese Progressive Association
26. National Korean American Service and Education Consortium (NAKASEC)
27. Young Korean American Service and Education Center (YKASEC)
28. Greater New York Labor-Religion Coalition
29. Jews for Racial and Economic Justice
30. Committee Against Anti-Asian Violence
31. Northern Manhattan Improvement Corporation
32. Community Voices Heard
33. Community Services Society
34. South Asian Youth Action
35. New York City Environmental Justice Alliance
36. Center for Constitutional Rights
37. Cabrini Immigrant Services
38. National Association of Korean Americans – NY Chapter
39. Marymount Manhattan College, Institute for Immigrant Concerns
40. Child Care, Inc.
41. Housing Works, Inc.
42. Advocates for Children
43. Immigrants and Child Welfare Project
44. Fifth Avenue Committee
45. Haitian Women for Haitian Refugees
46. Southside United Housing Development Fund Corporation (los Sures)
47. North Brooklyn Welfare Education & Community Advocacy Network
48. Latin American Integration Center
49. Central American Refugee Center
50. American Association of Jews from Former USSR, New York Chapter
51. Coalition for the Homeless, FIRST STEP Job Readiness Program
52. Center for Immigrant Families
53. Refugee Women Council
54. Welfare Rights Initiative
55. Shorefront YM – YWCA of Brighton/Manhattan Beach, Inc.
56. South Jamaica Services
57. Gloria Wise Boys and Girls Club
58. Coalition for the Human Rights of Immigrants
59. New York City AIDS Housing Network
60. The New York City Gay and Lesbian Anti-Violence Project
61. Industrial Workers of the World, New York City Branch
62. New York Asian Women's Center
63. Aliens for Better Immigration Laws
64. Church Alive Development Corp.
65. African and Caribbean Immigrants Network of CPO Ministry, Inc
66. Flushing Greens
67. Literacy Assistance Center
68. City Project
69. Metro New York Health Care for All Campaign
70. Haitian Americans United for Progress
71. United Hebrew Trades
72. Jewish Labor Committee
73. Child Welfare Organizing Project
74. Good Old Lower East Side
75. Supportive Housing Network of New York
76. Women's Housing and Economic Development Corp.
77. Sunset Park Adult and Family Education Center
78. Neighborhood Youth and Family Services
79. The Samaritan Women Family Restoration Through Faith Project, Inc.
80. Center for Family Life in Sunset Park
81. West Side Campaign Against Hunger
82. Brooklyn Perinatal Network, Inc.
83. C. Mario Russell, Director, Dept of Immigrant and Refugee Services, Catholic Charities, Archdiocese of New York
84. Afrika Business Community
85. Riverside Language Program
86. Medical and Health Research Association of NYC, Inc.
87. Northern Queens Health Coalition
88. Filipino American Human Services, Inc.
89. Haitian American Alliance of New York
90. Statewide Youth Advocacy, Inc.
91. Hartley House
92. New Immigrant Community Empowerment (NICE)
93. Community Healthcare Network
94. Flushing YWCA
95. Center for Community Health and Education at the Mailman School of Public Health, Columbia University
96. Pragati, Inc.
97. NARAL/NY
98. Yonkers Alliance for Latino and Immigrant Services
99. Women's City Club of New York
100. Care for the Homeless
101. Coalition for Asian American Children and Families
102. The Unemployment Project
103. South Asian American Club
104. Bronx AIDS Services
105. Cypress Hills Local Development Corp.
106. The Committee for Hispanic Children and Families
107. UPROSE
108. Sustainable South Bronx
109. Frente Unido de Inmigrantes Ecuatorianos
110. American Association of Jews from the Former USSR