



CERTIFIED LANGUAGES  
INTERNATIONAL

# SECTION 1557 CHEAT SHEET

2024 UPDATED REGULATIONS

# TABLE OF CONTENTS

3	<a href="#"><u>Section 1557 Cheat Sheet: 2024 Updated Regulations</u></a>
3	<a href="#"><u>Telehealth</u></a>
3	<a href="#"><u>Meaningful Access for Individuals with Limited English Proficiency</u></a>
4	<a href="#"><u>Machine Translation</u></a>
4	<a href="#"><u>Ad Hoc Interpreters: Adults</u></a>
5	<a href="#"><u>Ad Hoc Interpreters: Minors</u></a>
5	<a href="#"><u>Qualified Language Support</u></a>
6	<a href="#"><u>Video Remote Interpreting Standards</u></a>
6	<a href="#"><u>Audio Remote Interpreting Standards</u></a>
7	<a href="#"><u>Effective Communication for Individuals with Disabilities</u></a>
7	<a href="#"><u>Nondiscrimination and Grievance Policies</u></a>
8	<a href="#"><u>Language Access Procedures</u></a>
8	<a href="#"><u>Effective Communication Procedures</u></a>
9	<a href="#"><u>Reasonable Modification Procedures</u></a>
9	<a href="#"><u>Changes to Policies and Procedures</u></a>
10	<a href="#"><u>Training</u></a>
11	<a href="#"><u>Nondiscrimination Notice</u></a>
12	<a href="#"><u>Notice of Availability</u></a>
13	<a href="#"><u>Alternative Means of Compliance</u></a>
13	<a href="#"><u>Section 1557 Coordinator</u></a>
14	<a href="#"><u>Definitions</u></a>
15	<a href="#"><u>Resources</u></a>

# SECTION 1557 CHEAT SHEET:

## 2024 Updated Regulations

This cheat sheet is to inform you of the new or changed provisions of the Section 1557 final rules specific to language access.

You can access the full rule here: [Nondiscrimination in Health Programs and Activities](#)

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### Telehealth

A covered entity **cannot discriminate on the basis of race, color, national origin**, sex, age, or disability in its delivery of telehealth services.


45 C.F.R. § 92.211

 **This is a new requirement.**

### Meaningful Access for Individuals with Limited English Proficiency

A covered entity **must take reasonable steps to provide meaningful access** to each individual with limited English proficiency (including companions with limited English proficiency) eligible to be served or likely to be directly affected by its health programs and activities.

45 C.F.R. § 92.201(a)

 **This expands on 2016 and 2020 versions** to include coverage for patient companions (like family members) with LEP, and changes terminology from “limited English proficient individuals” to “individuals with limited English proficiency” where applicable.

## Machine Translation

If machine translation is used for text when accuracy is essential, **the translation must be reviewed by a qualified human translator.**

45 C.F.R. § 92.201(c)(3)

**i This is a new requirement.**

Per the new regulation, a text needs to be reviewed by a **qualified human translator** if the following is true:

- It's critical to the rights, benefits, or meaningful access of the individual with LEP;
- When accuracy is essential; or
- When the source documents or materials contain complex, non-literal, or technical language.

If you want an example of why human oversight is needed for machine translation, check out [what happened to the Virginia Department of Health](#).

## Ad Hoc Interpreters: Adults

The covered entity **cannot require an individual with LEP to rely on an unqualified interpreter** (like an adult accompanying) **to interpret except:**

- In an emergency, temporary capacity, or limited circumstance; or
- When the individual with LEP requests the adult accompanying be used as the interpreter.

45 C.F.R. § 92.201(e)(2)

**i** Both the 2016 and 2020 regulations prohibited reliance on an accompanying adult (like a family member or friend) to interpret, except in certain emergency or limited circumstances. **The addition of "temporary" is new, as is the provision outlining use of an unqualified interpreter.** If an individual with LEP asks for help from an adult they trust to interpret for them, it should be done privately with a qualified interpreter present, documented, and appropriate under the circumstances.

## Ad Hoc Interpreters: Minors

Covered entities cannot require an individual with LEP to rely on a minor child to interpret or facilitate communication, except:

- **As a temporary measure**, during an emergency, while finding a qualified interpreter.

45 C.F.R. § 92.201(e)(3)

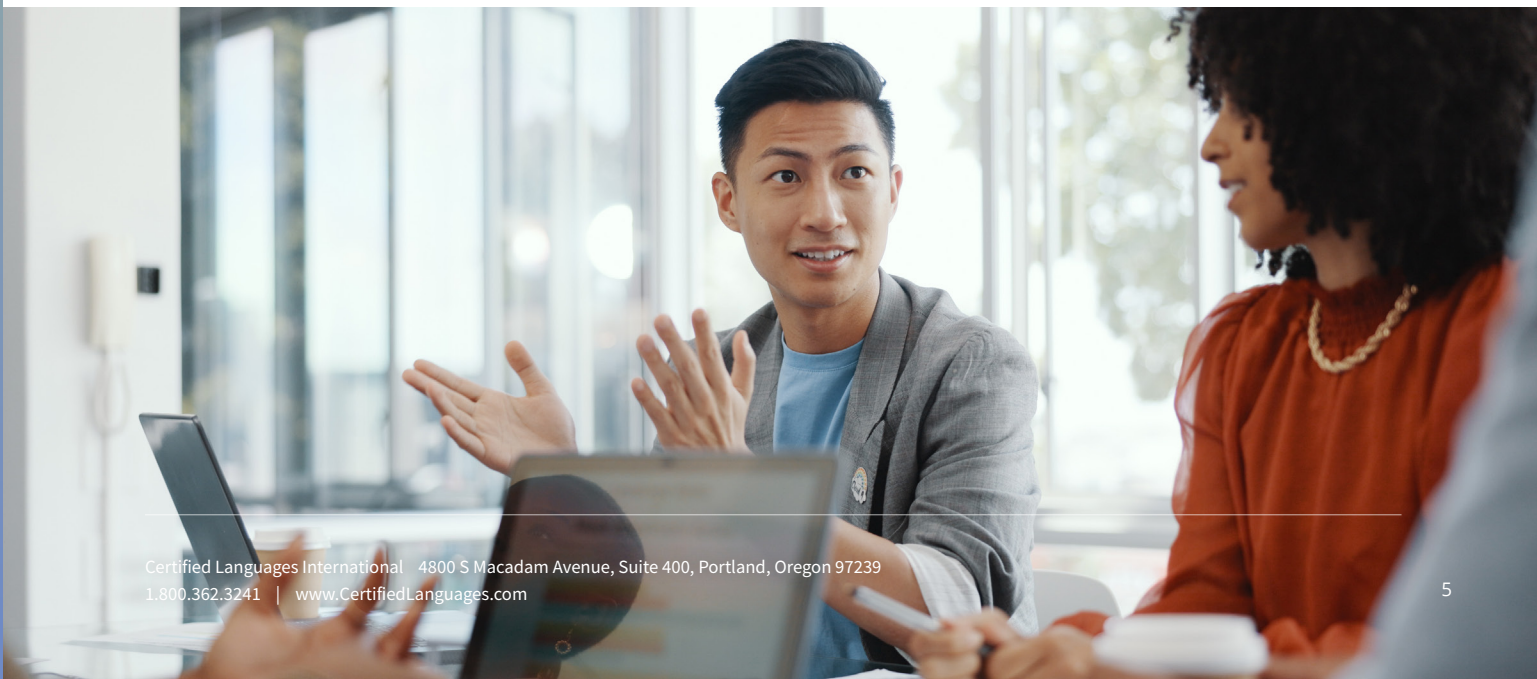
**i** The 2024 provision strengthens the 2016 and 2020 versions by specifying the temporary and limited nature by which a minor can interpret.

## Qualified Language Support

Covered entities **cannot rely on staff other than qualified interpreters, qualified translators, or qualified bilingual/multilingual staff** to communicate with individuals with LEP.

45 C.F.R. § 92.201(e)(4)

**i** While the core idea remains the same, **the 2024 provision expands on earlier versions by delineating the specific roles that staff members must fulfill** (i.e., qualified interpreters, qualified translators, or qualified bilingual/multilingual staff) to communicate with those with LEP.



## Video Remote Interpreting Standards

If using video to access an interpreter, a covered entity must ensure:

- Real-time, full-motion video and audio over a dedicated high-speed, wide-bandwidth video connection or wireless connection that delivers clear and smooth video without any delays, blurriness, or interruptions in communication;
- A clear picture big enough to see both the interpreter and the individual they are interpreting for, no matter how they're sitting or moving;
- A clear, audible transmission of voices; and
- Adequate training to users of the technology so they can quickly and efficiently set up and operate it.

45 C.F.R. § 92.201(f)

**i** The 2020 provisions removed the VRI standards from the final rule and replaced them with audio-only standards. **The 2024 version reinstated them as they were in 2016 to cover VRI for both spoken and signed languages.**

## Audio Remote Interpreting Standards

If using audio to access an interpreter, a covered entity must ensure:

- Real-time audio on a fast, dedicated internet or wireless connection that ensures high-quality sound without any delays or pauses;
- A clear, audible transmission of voices; and
- Adequate training to users of the technology so they can quickly and efficiently set up and operate it.

45 C.F.R. § 92.201(f)

**i** In 2020, the 2016 VRI standards were removed and replaced with audio standards; **the 2024 provision includes both video and audio standards.**

## Effective Communication for Individuals with Disabilities

A covered entity must make sure that **communication with individuals with disabilities (including their companions) is as effective as communication with non-disabled individuals** in its health programs and activities.

A covered entity **must provide the necessary aids and services** to ensure individuals with disabilities can equally participate in the health program or activity. **These aids and services must be free, available in accessible formats, provided quickly, and designed to protect the individual's privacy and independence.**

45 C.F.R. § 92.202(a)(b)

**i** **This provision expands on the 2020 version** by explicitly including companions with disabilities, emphasizing no cost and timely provision of services, and adding privacy and independence protections.

## Nondiscrimination and Grievance Policies

A covered entity must implement written policies and procedures to include:

- **A nondiscrimination policy** stating the covered entity:
  - Does not discriminate;
  - Provides language assistance services and auxiliary aids free of charge;
  - Provides reasonable modifications for individuals with disabilities; and
  - Will provide the current contact information for the Section 1557 coordinator.
- **Grievance procedures** that provide for the prompt and equitable resolution of grievances related to Section 1557 (applies to entities with 15 or more employees).
  - Records of grievances must be kept for 3 years.
- A covered entity must keep the identity of an individual who has filed a grievance confidential.

45 C.F.R. § 92.8(a)(b)(c)

**i** **This is a new requirement.**

## Language Access Procedures

A covered entity **must implement written language access procedures** describing the covered entity's process for providing language assistance. It must include:

- Current contact information for the Section 1557 coordinator;
- How an employee identifies an individual with LEP;
- How an employee obtains the services of qualified interpreters and translators;
- The names of any qualified bilingual staff members; and
- A list of any electronic and written translated materials the covered entity has, the languages they are translated into, the date of issuance, and how to access electronic translations.

45 C.F.R. § 92.8(d)

 **This is a new requirement.**

## Effective Communication Procedures

A covered entity **must implement written effective communication procedures** describing its process for ensuring effective communication for individuals with disabilities. It must include:

- Current contact information for the Section 1557 coordinator;
- How an employee obtains the services of qualified interpreters, including the names of any qualified interpreter staff members; and
- How to access appropriate auxiliary aids and services.

45 C.F.R. § 92.8(e)

 **This is a new requirement.**



## Reasonable Modification Procedures

A covered entity **must implement written procedures** describing its process for making reasonable modifications to its policies, practices, or procedures when necessary to avoid discrimination. It must include:

- Current contact information for the Section 1557 coordinator;
- A description of how to handle requests from individuals with disabilities for changes, exceptions, or adjustments to a rule, policy, practice, or service; and
- A process to decide if making the change would significantly alter the health program or activity, and finding an alternative change that doesn't cause a major change, to ensure the individual with a disability still gets the benefits or services.

45 C.F.R. § 92.8(f)

 This is a new requirement.

## Changes to Policies and Procedures

Covered entities **must review and revise the policies and procedures**, as necessary, **to ensure they are current and in compliance**.

45 C.F.R. § 92.8(h)

 This is a new requirement.



## Training

A covered entity **must train relevant employees on the language access and effective communication policies and procedures.**

Timeline for training:

- Training must take place no later than 30 days after a covered entity implements their policies and procedures;
- After the initial training, new relevant employees must be trained on policies and procedures in a reasonable amount of time;
- Relevant employees must be trained on any notable changes to the policies and procedures; and
- All training must be documented.

45 C.F.R. § 92.9(a)(b)(c)

 **This is a new requirement.**



## Nondiscrimination Notice

A covered entity **must provide a notice of nondiscrimination to participants, beneficiaries, enrollees, and applicants of its health programs and activities, and members of the public.** The notice must include:

- That the covered entity does not discriminate on the basis of race, color, national origin (including limited English proficiency and primary language), sex (consistent with the scope of sex discrimination), age, or disability;
- That the covered entity provides reasonable modifications and appropriate auxiliary aids and services for individuals with disabilities, including qualified interpreters, free of charge and in a timely manner;
- That the covered entity provides language assistance services, including translated documents and interpretation services, free of charge and in a timely manner;
- How an individual can obtain reasonable modifications, appropriate auxiliary aids and services, and language assistance services;
- The contact information for the Section 1557 coordinator;
- The availability of the grievance procedure;
- Details on how to file a discrimination complaint; and
- How to access the information included above on the covered entity's website.

The notice must be provided:

- On a yearly basis;
- Upon request;
- In a conspicuous location on the covered entity's website; and
- In clear and prominent physical locations, in no smaller than 20-point sans serif font, where individuals seeking healthcare treatment can easily spot them.

45 C.F.R. § 92.10(a)(b)(c)

**i** This entire provision was removed in 2020. **It's restored from the 2016 version with modifications**, such as the inclusion of people with LEP under national origin protections.

# Notice of Availability

Covered entities **must provide a notice that they provide language assistance and auxiliary aids and services free of charge.**

### The notice must:

- Be available in English and (at minimum) in the top 15 spoken languages spoken in the entity's state; and
- Be provided in alternate formats for individuals with disabilities who require auxiliary aids and services to ensure effective communication.

### The notice must be provided:

- On a yearly basis;
- Upon request;
- In a conspicuous location on the covered entity's website;
- In clear and prominent physical locations, in no smaller than 20-point sans serif font, where individuals seeking healthcare treatment can easily spot them; and
- In the following communications:
  - Notice of nondiscrimination;
  - Notice of privacy practices;
  - Application and intake forms;
  - Notices of denial or termination
- of eligibility, benefits, or services, including Explanations of Benefits and notices of appeal and grievance rights;
- Communications related to an individual's rights, eligibility, benefits, or services that require or request a response from a participant, beneficiary, enrollee, or applicant;
- Communications related to a public health emergency;
- Consent forms and instructions related to medical procedures or operations, medical power of attorney, or living will;
- Discharge papers;
- Complaint forms; and
- Patient and member handbooks.

45 C.F.R. § 92.11

**i** **This is a new requirement and replaces the 2016 taglines** (taglines were removed in 2020). The notices must include language about the availability of auxiliary aids and services, **which strengthens access for individuals who are deaf and hard of hearing.**

The provision also **includes clarity around the specified communications where the language access and auxiliary notices need to be placed**, as opposed to the "significant communications" found in the 2016 ruling.

The Office for Civil Rights has released [translated sample notices](#) for use.

## Alternative Means of Compliance

The Office for Civil Rights (OCR) has provided options a covered entity can pursue to remain in compliance with the notice of availability requirements:

1. Annually, the covered entity can provide the individual an option to opt out of receiving the notice in their primary language as long as the covered entity:

- Does not make getting language assistance dependent on choosing not to get the notice;
- Informs the individual that they can still get the notice in their primary language or with auxiliary services upon request;
- Informs the individual that they can still receive language assistance or auxiliary services if they opt out of the notice;
- Annually documents that the individual chose not to get the notice that year; and
- Does not treat a non-response from an individual as a decision to opt out.

OR

2. The covered entity documents the individual's primary language and any appropriate auxiliary aids and services and:

- Provides all materials and communications in that individual's primary language and through any auxiliary aids and services; or
- Provides the notice in the individual's primary language and through any appropriate auxiliary aids and services in all communications identified above.

45 C.F.R. § 92.11(d)

 **This is a new requirement.**

## Section 1557 Coordinator

**Covered entities with 15 or more employees must designate a Section 1557 coordinator** to oversee their efforts to comply with and carry out their responsibilities under Section 1557.

45 C.F.R. § 92.7

 **This entire provision was removed in 2020. It's restored as it was from the 2016 version.**

## Definitions

### A qualified interpreter:

- Speaks and understands English and at least one other language fluently (qualified interpreters for relay interpretation must demonstrate proficiency in two non-English spoken languages);
- Can accurately and impartially interpret spoken words between these languages, including any specialized terms, without altering the meaning or tone; and
- Follows standard ethical guidelines, including keeping client information confidential.

### A qualified translator:

- Is proficient in writing and understanding both English and at least one other written language;
- Can accurately and impartially translate written text between these languages, including any specialized terms, without altering the meaning or tone; and
- Follows standard ethical guidelines, including keeping client information confidential.

### Qualified bilingual/multilingual staff:

A member of a covered entity's staff who can provide in-language oral language assistance as part of the individual's current, assigned job responsibilities and who has demonstrated that they are:

- Proficient in speaking and understanding English and at least one other language, including any specialized terms; and
- Able to accurately and impartially communicate directly with people who have limited English skills in their preferred language.

### Relay interpretation:

"Interpreting from one language to another through an intermediate language. This mode of interpretation is often used for monolingual speakers of languages of limited diffusion, including select indigenous languages. In relay interpreting, the first interpreter listens to the speaker and renders the message into the intermediate language. The second interpreter receives the message in the intermediate language and interprets it into a third language for the speaker who speaks neither the first nor the second language."

45 C.F.R. § 92.4

- ① Reinstates the definitions of qualified interpreter, qualified translator, and qualified bilingual/multilingual staff. **Adds definition of relay interpretation.** The definitions confirm that not all interpreters can be translators and vice versa.

# RESOURCES

- [Nondiscrimination in Health Programs and Activities](#)
- [The Biden Administration's Final Rule on Section 1557 Non-Discrimination Regulations Under the ACA](#)
- [What is required under Title VI and Section 1557 to ensure Language Access for Individuals with Limited English Proficiency?](#)