

HOUSE BILL 987

P1
HB 1144/23 – HGO

4lr0890

By: **Delegates Acevero, Alston, Chang, Hill, Ivey, Kaufman, R. Lewis, Martinez, McCaskill, Taveras, and Young**

Introduced and read first time: February 5, 2024

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Equal Access to Public Services for Individuals With**
3 **Limited English Proficiency – Modifications**

4 FOR the purpose of altering provisions of law relating to equal access to public services for
5 individuals with limited English proficiency by establishing certain requirements for
6 certain State departments, agencies, or programs, including establishing certain
7 positions, establishing a certain language access plan, developing certain guides, and
8 offering certain interpretation services; requiring the Office of the Attorney General
9 to provide oversight, monitoring, investigation, and enforcement of certain language
10 access provisions; and generally relating to equal access to public services for
11 individuals with limited English proficiency.

12 BY repealing and reenacting, with amendments,
13 Article – State Government
14 Section 10–1102 and 10–1103
15 Annotated Code of Maryland
16 (2021 Replacement Volume and 2023 Supplement)

17 BY adding to
18 Article – State Government
19 Section 20–209
20 Annotated Code of Maryland
21 (2021 Replacement Volume and 2023 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
23 That the Laws of Maryland read as follows:

24 **Article – State Government**

25 10–1102.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(a) In this subtitle the following words have the meanings indicated.

(b) “Equal access” means to be informed of, participate in, and benefit from public services offered by a State department, agency, or program, at a level equal to English proficient individuals.

(C) “LANGUAGE ACCESS COMPLIANCE PROGRAM COORDINATOR” MEANS AN INDIVIDUAL WHO IS:

(1) EMPLOYED BY A STATE DEPARTMENT, AGENCY, OR PROGRAM LISTED OR IDENTIFIED UNDER § 10–1103(C) OF THIS SUBTITLE; AND

(2) RESPONSIBLE FOR DEVELOPING, IMPLEMENTING, MAINTAINING, AND OVERSEEING ALL PROGRAMS AND SERVICES IN COMPLIANCE WITH THE PROVISIONS OF THIS SUBTITLE, INCLUDING:

(I) ENSURING PROVIDING MEANINGFUL ACCESS AND PROPER COMMUNICATION RELATING TO INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY; AND

(II) PREVENTING LANGUAGE–BASED DISCRIMINATION VIOLATIONS.

[(c)] (D) “Limited English proficiency” means the inability to adequately understand or express oneself in the spoken or written English language.

[(d)] (E) “Oral language services” includes various methods to provide verbal information and interpretation such as:

(1) staff interpreters, bilingual staff, telephone interpreter programs, and private interpreter programs; AND

(2) AMERICAN SIGN LANGUAGE, BRAILLE, AND TDD/TT/TTY.

[(e)] (F) “Program” means all of the operations of a State department, State agency, or any other instrumentality of the State.

[(f)] (G) (1) “Vital documents” means all applications or informational materials, notices, and complaint forms offered by State departments, agencies, and programs.

(2) “Vital documents” does not include applications and examinations related to the licensure, certification, or registration under the Health Occupations Article, Financial Institutions Article, Business Occupations and Professions Article, and Business

1 Regulation Article within the jurisdiction of the Maryland Department of Health or the
2 Maryland Department of Labor.

3 10–1103.

4 (a) Each State department, agency, or program listed or identified under
5 subsection (c) of this section shall:

6 (1) take reasonable steps to provide equal access to public services for
7 individuals with limited English proficiency;

8 (2) DESIGNATE A LANGUAGE ACCESS COMPLIANCE PROGRAM
9 COORDINATOR TO COORDINATE REQUESTS FOR ORAL LANGUAGE SERVICES AND
10 TRANSLATIONS OF VITAL DOCUMENTS TO AN INDIVIDUAL WITH LIMITED ENGLISH
11 PROFICIENCY WHO SEEKS ACCESS TO OR PARTICIPATION IN ANY SERVICES,
12 PROGRAMS, OR ACTIVITIES OFFERED BY A STATE DEPARTMENT, AGENCY, OR
13 PROGRAM;

14 (3) (I) ESTABLISH A LANGUAGE ACCESS PLAN, IN CONSULTATION
15 WITH THE LANGUAGE ACCESS COMPLIANCE PROGRAM COORDINATOR; AND

16 (II) KEEP POSTED IN A CONSPICUOUS PLACE ON ITS WEBSITE A
17 DIRECT LINK TO THE LANGUAGE ACCESS PLAN;

18 (4) CONDUCT OUTREACH TO COMMUNITIES WITH LIMITED ENGLISH
19 PROFICIENT POPULATIONS REGARDING LANGUAGE ACCESS PLANS AND THE
20 BENEFITS AND SERVICES OFFERED BY EACH STATE DEPARTMENT, AGENCY, OR
21 PROGRAM;

22 (5) ESTABLISH A LANGUAGE ACCESS COMPLIANCE POLICY AND
23 STANDARD OPERATING PROCEDURE, IN CONSULTATION WITH THE LANGUAGE
24 ACCESS COMPLIANCE PROGRAM DIRECTOR UNDER § 20–209 OF THIS ARTICLE;

25 (6) DISPLAY AT EVERY PUBLIC ENTRANCE AND RECEPTION AND
26 CUSTOMER SERVICE DESK A LANGUAGE IDENTIFICATION DESKTOP POSTER TO
27 ASSIST LIMITED ENGLISH PROFICIENT INDIVIDUALS TO IDENTIFY THE
28 INDIVIDUAL’S PREFERRED LANGUAGE AND INFORM INDIVIDUALS THAT FREE
29 INTERPRETATION SERVICES ARE AVAILABLE;

30 (7) DEVELOP AND DISTRIBUTE TO THE PUBLIC A MULTILINGUAL
31 GUIDE DESCRIBING HOW AN INDIVIDUAL WITH LIMITED ENGLISH PROFICIENCY
32 MAY:

(I) RECEIVE ORAL LANGUAGE SERVICES AND TRANSLATIONS
OF VITAL DOCUMENTS REQUIRED UNDER THIS SECTION; AND

(II) FILE A COMPLAINT FOR FAILURE TO RECEIVE ANY
REQUESTED SERVICES REQUIRED UNDER THIS SECTION;

(8) DEVELOP AND DISTRIBUTE TO ANY THIRD-PARTY CONTRACTORS
A GUIDANCE DOCUMENT THAT DESCRIBES:

(I) ANY STATE OR FEDERAL LAW THAT APPLIES TO THE
THIRD-PARTY CONTRACTOR THAT RELATES TO THE REQUIREMENTS UNDER THIS
SECTION; AND

(II) EACH STATE DEPARTMENT'S, AGENCY'S, OR PROGRAM'S
ABILITY TO PROVIDE OUTREACH AND TECHNICAL ASSISTANCE TO THE
THIRD-PARTY CONTRACTOR IN ORDER FOR THE CONTRACTOR TO CARRY OUT ITS
DUTIES UNDER THE CONTRACT; AND

(9) PROVIDE INFORMATION REGARDING FREE LEGAL SERVICES
AVAILABLE TO LOW-INCOME INDIVIDUALS AND WITH LIMITED ENGLISH
PROFICIENT POPULATIONS.

(b) Reasonable steps to provide equal access to public services include:

(1) the provision of:

(I) oral language services for individuals with limited English
proficiency, which must be through face-to-face, in-house oral language services if contact
between the agency and individuals with limited English proficiency is on a weekly or more
frequent basis; AND

(II) INTERPRETATION SERVICES AT ANY PUBLIC FORUM IF AN
INDIVIDUAL WITH LIMITED ENGLISH PROFICIENCY PROVIDES NOTICE TO THE
STATE DEPARTMENT, AGENCY, OR PROGRAM AT LEAST 5 BUSINESS DAYS BEFORE
THE PUBLIC FORUM;

(2) (i) the translation of vital documents ordinarily provided to the
public into any language spoken by any limited English proficient population that
constitutes [3%] 0.5% of the overall population within the geographic area served by a local
office of a State program as measured by the United States Census; and

(ii) the provision of vital documents translated under item (i) of this
item on a statewide basis to any local office as necessary; and

1 (3) any additional methods or means necessary to achieve equal access to
2 public services.

3 (c) The provisions of this section shall be fully implemented according to the
4 following schedule:

5 (1) on or before July 1, 2003, full implementation by:

6 (i) the Department of Human Services;

7 (ii) the Maryland Department of Labor;

8 (iii) the Maryland Department of Health;

9 (iv) the Department of Juvenile Services; and

10 (v) the Workers' Compensation Commission;

11 (2) on or before July 1, 2004, full implementation by:

12 (i) the Department of Aging;

13 (ii) the Department of Public Safety and Correctional Services;

14 (iii) the Department of Transportation, not including the Maryland
15 Transit Administration;

16 (iv) the Commission on Civil Rights;

17 (v) the Department of State Police; and

18 (vi) five independent agencies, boards, or commissions, to be
19 determined by the Secretary of Human Services, in consultation with the Office of the
20 Attorney General;

21 (3) on or before July 1, 2005, full implementation by:

22 (i) the Comptroller of Maryland;

23 (ii) the Department of Housing and Community Development;

24 (iii) the Maryland Transit Administration;

25 (iv) the Department of Natural Resources;

26 (v) the Maryland State Department of Education;

(vi) the Office of the Attorney General; and

(vii) five independent agencies, boards, or commissions to be determined by the Secretary of Human Services, in consultation with the Office of the Attorney General; [and]

(4) on or before July 1, 2006, full implementation by:

(i) the Department of Agriculture;

(ii) the Department of Commerce;

(iii) the Department of Veterans Affairs;

(iv) the Department of the Environment; and

(v) five independent agencies, boards, or commissions to be determined by the Secretary of Human Services, in consultation with the Office of the Attorney General; AND

(5) ON OR BEFORE JULY 1, 2025, FULL IMPLEMENTATION BY THE MARYLAND DEPARTMENT OF HEALTH, DEVELOPMENTAL DISABILITIES ADMINISTRATION.

(D) A LANGUAGE ACCESS PLAN ESTABLISHED UNDER SUBSECTION (A)(3) OF THIS SECTION SHALL BE UPDATED EVERY 2 YEARS AND SHALL INCLUDE:

(1) THE TYPES OF ORAL LANGUAGE SERVICES THAT THE STATE DEPARTMENT, AGENCY, OR PROGRAM WILL PROVIDE AND HOW THE DETERMINATION WAS REACHED;

(2) THE TITLES OF TRANSLATED DOCUMENTS THAT THE STATE DEPARTMENT, AGENCY, OR PROGRAM WILL PROVIDE AND HOW THE DETERMINATION WAS REACHED;

(3) THE NUMBER OF CONTACT POSITIONS IN THE STATE DEPARTMENT, AGENCY, OR PROGRAM AND THE NUMBER AND LANGUAGE TYPE OF BILINGUAL EMPLOYEES IN PUBLIC CONTACT POSITIONS;

(4) AN EVALUATION AND ASSESSMENT OF THE ADEQUACY OF THE SERVICES TO BE PROVIDED; AND

(5) A DESCRIPTION OF THE FUNDING AND BUDGETARY SOURCES ON WHICH THE COVERED STATE DEPARTMENT, AGENCY, OR PROGRAM INTENDS TO RELY TO IMPLEMENT THE LANGUAGE ACCESS PLAN.

(E) ON OR BEFORE DECEMBER 31 EACH YEAR, EACH STATE DEPARTMENT, AGENCY, OR PROGRAM LISTED OR IDENTIFIED UNDER SUBSECTION (C) OF THIS SECTION SHALL SUBMIT A REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THIS ARTICLE, THE GENERAL ASSEMBLY ON THE IMPLEMENTATION OF THIS SECTION, A DESCRIPTION OF OPERATIONS, AND THE FISCAL IMPACT.

20-209.

(A) THE OFFICE OF THE ATTORNEY GENERAL SHALL:

(1) PROVIDE OVERSIGHT, MONITORING, INVESTIGATION, AND ENFORCEMENT OF EACH STATE DEPARTMENT, AGENCY, OR PROGRAM LISTED OR IDENTIFIED UNDER § 10-1103(C) OF THIS ARTICLE;

(2) DESIGNATE:

(I) A LANGUAGE ACCESS COMPLIANCE PROGRAM DIRECTOR;

(II) TWO LANGUAGE ACCESS COMPLIANCE PROGRAM MONITORS; AND

(III) ONE LANGUAGE ACCESS COMPLIANCE PROGRAM ANALYST;

(3) REVIEW AND MONITOR EACH LANGUAGE ACCESS PLAN ESTABLISHED UNDER § 10-1103(A) OF THIS ARTICLE;

(4) PROVIDE GUIDANCE AND SUPERVISION TO THE LANGUAGE ACCESS COMPLIANCE PROGRAM MONITORS AND LANGUAGE ACCESS COMPLIANCE PROGRAM ANALYST;

(5) CONSULT WITH LANGUAGE ACCESS COMPLIANCE PROGRAM COORDINATORS DESIGNATED UNDER § 10-1103(A)(2) OF THIS ARTICLE;

(6) DEVELOP AND UPDATE LANGUAGE ACCESS POLICY AND LANGUAGE ACCESS STANDARD OPERATING PROCEDURE TEMPLATES FOR A STATE DEPARTMENT, AGENCY, OR PROGRAM LISTED OR IDENTIFIED UNDER § 10-1103(C) OF THIS ARTICLE;

(7) DEVELOP A STRATEGY TO ENFORCE THE REQUIREMENTS UNDER § 10-1103 OF THIS ARTICLE, INCLUDING BY ESTABLISHING A CIVIL FINE STRUCTURE THAT:

(I) IMPOSES A CIVIL FINE NOT EXCEEDING \$500 FOR A FIRST OFFENSE;

(II) INCREASES THE FINE BY \$500 FOR EACH SUBSEQUENT OFFENSE; AND

(III) CONSIDERS THE SIZE OF THE STATE DEPARTMENT, AGENCY, OR PROGRAM LISTED OR IDENTIFIED UNDER § 10-1103(C) OF THIS ARTICLE; AND

(8) DEVELOP A PLAN TO INCREASE THE POPULATION THAT MAY RECEIVE ORAL LANGUAGE SERVICES OVER TIME.

(B) A LANGUAGE ACCESS COMPLIANCE PROGRAM MONITOR OR LANGUAGE ACCESS COMPLIANCE PROGRAM ANALYST DESIGNATED UNDER THIS SECTION SHALL:

(1) TRACK AND INVESTIGATE COMPLAINTS REGARDING LANGUAGE ACCESS VIOLATIONS; AND

(2) ISSUE A WRITTEN FINDING OF NONCOMPLIANCE TO THE ENTITY REGARDING FAILURES TO PROVIDE LANGUAGE ACCESS.

(C) ON OR BEFORE DECEMBER 1, 2024, AND EACH DECEMBER 1 THEREAFTER, THE OFFICE OF THE ATTORNEY GENERAL SHALL SUBMIT A REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THIS ARTICLE, THE GENERAL ASSEMBLY ON COMPLAINTS RECEIVED REGARDING LANGUAGE ACCESS VIOLATIONS, INCLUDING:

(1) THE TOTAL NUMBER OF COMPLAINTS RECEIVED;

(2) THE NUMBER OF COMPLAINTS RECEIVED IN EACH JURISDICTION;

(3) THE PREFERRED LANGUAGE OF EACH COMPLAINANT;

(4) FOR EACH STATE DEPARTMENT, AGENCY, OR PROGRAM LISTED OR IDENTIFIED UNDER § 10-1103(C) OF THIS ARTICLE:

(I) THE NUMBER OF COMPLAINTS RECEIVED;

(II) THE NUMBER OF LANGUAGE ACCESS VIOLATIONS DETERMINED; AND

1 **(III) THE NUMBER OF COMPLAINTS DENIED; AND**

2 **(5) THE AVERAGE AND MAXIMUM DURATION OF TIME BETWEEN THE**
3 **RECEIPT OF A COMPLAINT AND THE RESOLUTION, IN DAYS.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2024.