

DEPARTMENT OF INSURANCE

STATISTICAL ANALYSIS DIVISION
300 SOUTH SPRING ST.
LOS ANGELES, CA 90013
www.insurance.ca.gov

**CIRCULAR**

October 14, 2008

Language Assistance Program Data Call (LAP-2008)

TO: All companies offering and/or maintaining Health & Disability Insurance in California

SUBJECT: Language Assistance Program Plan and Reporting Obligations Under California Insurance Codes (CIC) §10133.8 & §10133.9 and Title 10, California Code of Regulations (CCR) §2538.1 – §2538.8

The purpose of this letter is to serve as a formal notice of the required contents of your company's Language Assistance Program Plan as well as the reporting obligations under California Insurance Codes (CIC) §10133.8 & §10133.9 and Title 10, California Code of Regulations (CCR) §2538.1 – §2538.8. The following sections of this letter contain information regarding the LAP Data Call and specific instructions on how to retrieve the reporting materials from the internet.

WHAT IS THE LAP-2008 DATA CALL?

LAP-2008 Data Call is the plan and reporting requirements which covers the 2008 reporting period. A copy of the LAP Reporting Timeline is included with this letter.

Per the statutes and the regulations, every California Health Insurer is required to implement a Language Assistance Program to provide language assistance services (interpretation and translation) to their limited-English proficient insureds. In cooperation with the California Department of Insurance's Legal Division, the Statistical Analysis Division has developed the LAP-2008 Data Call. This data call is intended to provide a uniform method of data collection, as well as, to provide companies with a convenient and efficient manner of fulfilling their reporting obligations.

WHO IS REQUIRED TO SUBMIT THE LAP PLAN & REPORT?

The LAP-2008 Plan and reporting requirements pertain to companies that **currently write or have existing business in health insurance**. For the purposes of the LAP-2008 Plan and reporting requirements, health insurance policies are defined by California Insurance Code Section §106(b).

- If your company currently writes or has existing business in health insurance, as defined by CIC §106(b), your company is subject to the LAP Plan and reporting requirements in CIC §10133.8 & §10133.9 and CCR §2538.1 – §2538.8 and must respond to the LAP-2008 data call.
- If your company is licensed to conduct disability insurance (e.g. – maintains a Class-06 Disability license) in California **but has never written or has no existing health insurance business**, your company must complete the "No Experience To Report" section in the LAP-2008 Acknowledgement Form and return this form to the California Department of Insurance.

Language Assistance Program Data Call (LAP-2008)

Circular Letter

PENALTIES FOR NON-COMPLIANCE: Companies that fail to submit a completed LAP Acknowledgement of Receipt Form and LAP Report (if applicable) by the due date requested will be considered in non-compliance with **California Insurance Code Sections §10133.8 & §10133.9 and Title 10, California Code of Regulations §2538.1 – §2538.8** and will be subject to fines and penalties (up to \$100,000) under California Insurance Code Section §10508.7 and will be referred to the Department's Legal Division for further action.

Non-compliant companies may also be referred to the **Field Rating & Underwriting Bureau** who will collect the required data and bill the time required for examination at the company's expense pursuant to **California Insurance Code §1857.4.**

HOW DO COMPANIES FULFILL THEIR REPORTING OBLIGATIONS?

Companies that **currently write or have existing business in health insurance**, as defined by CIC §106 (b), **must complete the following steps in order to fulfill their reporting obligations under CIC §10133.8 & §10133.9 AND CCR §2538.1 – §2538.8 :**

- Step 1:** Complete & Return the **LAP-2008 Acknowledgement** Form to the California Department of Insurance. Regardless of your reporting experience, the ACKNOWLEDGEMENT FORM **MUST BE ELECTRONICALLY SUBMITTED NO LATER THAN October 31, 2008** to the e-mail address listed in the LAP-2008 Statistical Plan. We will not accept scanned copies, photo copies or "pdf" documents in lieu of the original excel file format.
- Step 2:** Download the **LAP-2008 Statistical Plan** and **LAP-2008 Report Forms** from the California Department of Insurance's Public Website. *Instructions for retrieval of this information are contained in the next section.*
- Step 3:** Review the reporting instructions in the LAP-2008 Statistical Plan and **collect the information pursuant to the instructions and definitions stated in the LAP-2008 Statistical Plan.**
- Step 4:** **Enter the information required** in the LAP-2008 Report forms.
- Step 5:** **E-mail the LAP-2008 Plan and Report forms** to the California Department of Insurance. E-mail instructions are contained in the LAP-2008 Statistical Plan – **DUE December 1, 2008**
- Step 6:** **Complete & Return** the LAP-2008 Affidavit Form. **DUE December 1, 2008**

HOW TO RETRIEVE THE LAP-2008 REPORTING INSTRUCTIONS AND FORMS

To retrieve the LAP-2008 reporting forms (Acknowledgement Form, Statistical Plan, Transmittal Forms and the Affidavit Forms), please follow the instructions below:

- Go to the Department of Insurance web site at <http://www.insurance.ca.gov>
- Click on the INSURERS link at the top portion of the webpage.
- Click on the DATA & REPORTS link, (located on the left-hand column of the page).
- Click on the STATISTICAL PLANS link and choose REPORTING YEAR 2008 STATISTICAL PLANS.
- A message will appear requesting a user name and password. Enter the following:
User Name: **DATANSTATS** (case sensitive)
Password: **STAT2008** (case sensitive)
- Select **Language Assistance Program Data Call (LAP-2008)**.
- From the LAP-2008 site, you can retrieve:
 - ***LAP-2008 Acknowledgement Form – DUE October 31, 2008****
 - ***LAP-2008 Report Forms – DUE December 1, 2008***
 - ***LAP-2008 Statistical Plan – Contains Detailed Instructions On How To Complete The LAP-2008 Report forms.***
 - ***LAP-2008 Affidavit Form - A signed affidavit confirming the validity of the report forms. DUE December 1, 2008***

* **IMPORTANT** Regardless of your reporting experience, the **ACKNOWLEDGEMENT FORM MUST BE ELECTRONICALLY SUBMITTED NO LATER THAN OCTOBER 31, 2008** to the e-mail address listed in the LAP-2008 Statistical Plan.

We **will not accept** scanned copies, photo copies or “pdf” documents in lieu of the original excel file format.

LAP-2008 IMPORTANT DATES TO REMEMBER:

- The *LAP Acknowledgement of Receipt Form* is due no later than **October 31, 2008**.
- The *LAP-2008 Plan and Report Forms* are due no later than **December 1, 2008**.
- **Requests for extensions in submitting the LAP-2008 Plan and Report Forms** must be received no later than **November 10, 2008**.

All extension requests must be in writing and must be sent by e-mail to:
Dairyn Valencia at valenciad@insurance.ca.gov.

For questions about technical matters (website reporting, passwords, etc.) contact

Leo Lara Life & Health Project Manager California Department of Insurance Statistical Analysis Division 300 South Spring Street, 14th Floor Los Angeles, California 90013 Email: laral@insurance.ca.gov Phone: 213-346-6474 Fax: 213-897-6571	Dairyn Valencia LAP Data Call Team Leader California Department of Insurance Statistical Analysis Division 300 South Spring Street, 14th Floor Los Angeles, California 90013 Email: valenciad@insurance.ca.gov Phone: 213-346-6326 Fax: 213-897-6571
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For questions about substantive matters, or legal requirements, please contact:

Elena Fishman Senior Staff Counsel California Department of Insurance 300 Capitol Mall Sacramento, California 95814 Email: fishmane@insurance.ca.gov Phone: 916-492-3507 Fax: 916 324-1883
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Sincerely,

Benjamin J. Gentile
Chief, Statistical Analysis Division
CALIFORNIA DEPARTMENT OF INSURANCE

LAP REGULATORY T I M E L I N E S

<p>12/1/2007</p>	<p>INITIAL STATUS REPORT</p> <p>Health Insurer shall submit to CDI</p> <p>CCR §2538.7(c)(1) CIC §10133.8(f)</p>	<p>By 12/1/07 health insurers should have already reported to the California Department of Insurance (CDI) on the status of implementation of the Language Assistance Program (LAP). These reports should have been submitted to Elena Fishman (fishmane@insurance.ca.gov)</p>
<p>10/19/2008</p>	<p>LANGUAGE SURVEY/ NEEDS ASSESSMENT</p> <p>Health Insurer shall complete survey & assessment</p> <p>No reporting requirement</p> <p>CCR §2538.4(a) CIC §10133.8(b)(1) & (b)(2)</p>	<p>By 10/19/08 health insurers shall have completed the survey of the language preferences and assessment of the linguistic needs of their insureds. The survey and assessment shall be updated every three years thereafter.</p> <p>A health insurer granted a Certificate of Authority (Certificate) to write health insurance in California after October 31, 2008 shall complete its survey and needs assessment within 6 months of the issuance of the Certificate and shall update that survey and needs assessment by October 19th every three years thereafter.</p>
<p>12/1/2008</p>	<p>LANGUAGE ASSISTANCE PROGRAM (LAP) PLAN AND REPORT</p> <p>Health Insurer shall submit to CDI</p> <p>CCR §2538.3(b), (e) CIC §10133.8 (b)(3)(B)(v)</p>	<p>By 12/1/08 health insurers shall file the LAP Plan and Report with the Commissioner using the CDI electronic filing system described herein. The LAP Plan shall include but is not limited to the health insurer's documented policies and procedures regarding its language assistance program, information and documents sufficient to demonstrate compliance with the requirements of the statute and regulations as well as statistics and reports on problems that arose in the implementation of the plan and solutions. Each health insurer shall also submit the Notice of Availability that it sends to insureds initially and with each vital document. LAP Plans and Reports shall be submitted by 12/1/2008.</p> <p>Health insurers shall submit the LAP Plan/Report biennially thereafter on October 1st of odd numbered years. This means LAP Plan/Report will be due on 12/1/2008 and then 10/1/2009, 10/1/2011, 10/1/2013, etc. The Cultural Appropriateness Report (see below) shall be due 10/1/2009, 10/1/2011, 10/1/2013, etc.</p> <p>A health insurer granted a Certificate after October 31, 2008 shall submit its LAP Plan and LAP Report Forms within one year of the issuance of the Certificate and shall submit a Cultural Appropriateness Report and LAP Report Forms biennially thereafter on October 1 of odd numbered years.</p>

<p>4/1/2009</p>	<p>LANGUAGE ASSISTANCE PROGRAM (LAP) IMPLEMENTATION</p> <p>Implementation Deadline</p> <p>No reporting requirement</p> <p>CCR §2538.3(a)</p>	<p>By 4/1/09 health insurers shall have established and implemented their Language Assistance Programs.</p> <p>A health insurer granted a Certificate after October 31, 2008 shall have established and implemented the LAP no later than one year after the Certificate was issued.</p>
<p>10/1/2009</p>	<p>CULTURAL APPROPRIATENESS REPORT & LAP PLAN/REPORT UPDATE</p> <p>Health Insurers report to CDI</p> <p>CCR §2538.7(c) CIC §10133.9</p>	<p>By 10/1/2009, and biennially thereafter (10/1/2009, 10/1/2011, 10/1/2013 etc.) health insurers shall report to CDI, using the electronic filing system described herein, on internal policies and procedures with regard to standards of cultural appropriateness and LAP Plan/Report update as required. The Report shall describe/explain the following among other things:</p> <ul style="list-style-type: none"> • Collection of data regarding the health insurer’s insured population; • Education of insurer’s staff, who have routine contact with insureds, regarding the insured population’s diverse needs; • Recruitment and retention efforts that encourage workforce diversity; • Provision of information to providers regarding the ethnic diversity of insurer’s insured population; • Provision of educational information to insureds regarding the LAP and services. • Evaluation of insurer’s LAP; • Attach all relevant documentation including policies and procedures. <p>The biennial reporting shall include the Cultural Appropriateness Report as described herein, any update/changes/modifications to the Language Assistance Program Plan, and a status report on implementation of the LAP Plan.</p> <p>A health insurer granted a Certificate after October 31, 2008 shall submit its Cultural Appropriateness Report, LAP Plan & Implementation update within one year of the issuance of the Certificate and shall submit subsequent Cultural Appropriateness Reports and LAP Report/Plan biennially thereafter on October 1st of odd numbered years.</p>