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10 CA ADC § 2538.2

10 CCR § 2538.2

Cal. Admin. Code tit. 10, § 2538.2

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
TITLE 10. INVESTMENT
CHAPTER 5. INSURANCE COMMISSIONER
SUBCHAPTER 3. INSURERS
ARTICLE 12.1. HEALTH CARE LANGUAGE ASSISTANCE PROGRAM
This database is current through 8/8/08, Register 2008, No. 32

§ 2538.2. Definitions.

For the purposes of these regulations, the following definitions apply:

(a) "Demographic profile" means, at a minimum, primary/preferred spoken and written language of insureds, race and ethnicity.

(b) "Indicated/threshold language(s)" means the language(s) identified by a health insurer pursuant to California Insurance Code section 10133.8 and these regulations into which vital documents shall be translated.

(c) "Individual access to interpretation services" means an insured's ability to receive oral interpretation services in their primary/preferred language in the provision of their health care.

(d) "Interpreting" or "interpretation" means the process of listening, understanding and analyzing something spoken or reading something written in

one language (source language) and orally re-expressing that message faithfully, accurately and objectively in another spoken language (target language), taking the cultural and social context into account.

(e) "Language assistance services" means oral interpreting and written translation services provided free of charge to insureds.

(f) "Language preferences and linguistic needs assessment" means assessing and determining the spoken and written language preferences of the insured population.

(g) "Limited English Proficiency (LEP)" means a limited ability or inability to speak, read, write, or understand the English language at a level that permits the insured to interact effectively with his or her health care providers or health insurer.

(h) "Point(s) of Contact" means an instance in which an insured accesses the services covered under a health insurer's policy or certificate, including administrative and clinical services, telephonic and in-person contacts.

(i) "Remote interpreting" means interpreting provided by an interpreter who is not in the presence of the speaker, e.g., interpreting via telephone or videoconferencing.

(j) "Translating" or "translation" means the conversion of a written text in one language into a written text in a second language corresponding to and equivalent in meaning to the text in the first language.

(k) "Vital Documents" includes but is not limited to the following documents when produced by the health insurer including when the production or distribution is delegated by the health insurer to a third party:

(1) Applications;

(2) Consent forms, including health insurer authorization forms;

(3) Letters containing important information regarding eligibility and participation criteria;

(4) Notices pertaining to the denial, reduction, modification, or termination of services and benefits, and the right to file a complaint or appeal;

(5) Notices advising LEP persons of the availability of free language assistance and other outreach materials that are provided to insureds;

(6) An insurer's explanation of benefits or claims processing information that is sent to an insured if the document requires a response from the insured;

(7) A matrix of the categories of health insurance benefits outlined in the insurance contract including co-payments and coinsurance, exclusions and limitations in the following sequence: deductibles; lifetime maximums; professional services; outpatient services; hospitalization services; diagnostic and therapeutic radiological services; preventive health services; emergency health care coverage including ambulance services; prescription drug coverage; durable medical equipment; mental health services; chemical dependency services; home health services; other services.

<General Materials (GM) - References, Annotations, or Tables>

Note: Authority cited: Sections 10133.8 and 10133.9, Insurance Code. Reference: Sections 10133.8 and 10133.9, Insurance Code.

HISTORY

1. New section filed 9-19-2007; operative 10-19-2007 (Register 2007, No. 38).

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