

**DEPARTMENT OF INSURANCE**

STATISTICAL ANALYSIS DIVISION  
300 SOUTH SPRING ST.  
LOS ANGELES, CA 90013  
[www.insurance.ca.gov](http://www.insurance.ca.gov)

**CIRCULAR**

August 26, 2009

**Language Assistance Program & Cultural Appropriateness Report (LAP-2009)**

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

**SUBJECT:** Cultural Appropriateness Report and Language Assistance Program (LAP)  
California Insurance Code (CIC) §§10133.8 & §10133.9 and Title 10, California Code of Regulations (CCR) §§2538.1 – §2538.8

Pursuant to CCR §2538.7(c) "...no later than December 1, 2009...every health insurer shall report to the Department of Insurance on its internal policies and procedures related to cultural appropriateness and any other information related to the health insurer's LAP as requested by the Commissioner...". This letter includes the format and specific questions to be answered to complete the Cultural Appropriateness Report.

**WHO IS REQUIRED TO SUBMIT THE CULTURAL APPROPRIATENESS REPORT?**

Over the past two years, the Department has received requests from insurers requesting exemptions from both creating and implementing a Language Assistance Program and exemptions from the LAP reporting requirements.

Note that per current law all insurers who currently write health insurance or have existing health insurance policies, as defined by CIC §106(b), are subject to the reporting requirements in CIC §10133.8 & §10133.9 and CCR §2538.1 – §2538.8 and must respond to all of the Commissioner's requests for information.

- If your company currently writes or has existing business in health insurance, as defined by CIC §106(b), your company is subject to the reporting requirements in CIC §10133.8 & §10133.9 and CCR §2538.1 – §2538.8 and must provide a completed **LAP-2009 Cultural Appropriateness Report Form** and **Affidavit**. The information is due no later than October 1, 2009.
- 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**, please email Leo Lara at [LAP\\_FILING@INSURANCE.CA.GOV](mailto:LAP_FILING@INSURANCE.CA.GOV) with the following information:
  - Subject Heading of E-Mail: "No Experience LAP-2009"
  - Name of Company's Contact Person (First & Last)
  - Contact Person's Office Phone Number (include extension if applicable)
  - Contact Person's E-mail Address
  - Company Name
  - NAIC number
  - Please state: "No Experience to Report in 2009".

## Language Assistance Program Data Call (LAP-2008)

### Circular Letter

#### **PENALTIES FOR NON-COMPLIANCE:**

Companies that fail to submit a completed **LAP-2009 Cultural Appropriateness Report Form** by **October 1, 2009** will be considered to be non-compliant with **CIC §10133.8 & §10133.9** and **CCR §2538.1 – §2538.8** and will be subject to fines and penalties (up to \$100,000) pursuant to CIC §10508.7. **Non compliant insurers will be referred to the Department's Legal Division for further action.**

Non-compliant companies may also be referred to the Department's Field Rating & Underwriting Bureau which will collect the required data and bill the time required for examination at the company's expense pursuant to **CIC §1857.4. 3.**

## **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:** Download the **LAP-2009 Cultural Appropriateness Report Form** from the California Department of Insurance's Public Website. *Instructions for retrieval of this information are contained in the next section.*
- Step 2:** **Enter the information required** in the LAP-2009 Cultural Appropriateness Report Form.
- Step 3:** **E-mail the LAP-2009 Cultural Appropriateness Report Form** to the California Department of Insurance.

E-mail the form to: "[LAP\\_FILING@INSURANCE.CA.GOV](mailto:LAP_FILING@INSURANCE.CA.GOV)". The form is due no later than **OCTOBER 1, 2009.**

- Step 4:** **Complete & Return** the LAP-2009 Affidavit Form. This form is due no later than **OCTOBER 1, 2009.**

Please mail your completed LAP-2009 Affidavit Form to:

California Department of Insurance  
Statistical Analysis Division  
300 South Spring Street, 14<sup>th</sup> Floor  
Los Angeles, CA 90013  
Attention: LAP-2009

## **HOW TO RETRIEVE THE LAP-2009 REPORTING FORM**

To retrieve the LAP-2009 Cultural Appropriateness Report Form and the Affidavit Form, 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 2009 STATISTICAL PLANS.
- A message will appear requesting a user name and password. Enter the following:  
User Name: **GOTNUMBERS09** (case sensitive)  
Password: **STAT2009** (case sensitive)
- Select **Language Assistance Program & Cultural Appropriateness Report (LAP-2009)**.
- From the LAP-2009 site, you can retrieve:
  - ***LAP-2009 Report Forms – DUE October 1, 2009***
  - ***LAP-2009 Affidavit Form - A signed affidavit confirming the validity of the report forms. DUE October 1, 2009***

\* **IMPORTANT**

We **will not accept** scanned copies or photo copies in lieu of the original Adobe (pdf) file format.

## **LAP-2009 IMPORTANT DATES TO REMEMBER:**

- The *LAP-2009 Cultural Appropriateness Report Form and Affidavit* are due no later than **October 1, 2009**.
- **Requests for extensions in submitting the LAP-2009 Cultural Appropriateness Report Form** must be received no later than **September 18, 2009**.

All extension requests must be in writing and must be sent by e-mail to:  
Leo Lara at [laral@insurance.ca.gov](mailto:laral@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](mailto:laral@insurance.ca.gov)  
Phone: 213-346-6474  
Fax: 213-897-6571

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](mailto:fishmane@insurance.ca.gov)  
Phone: 916-492-3507  
Fax: 916 324-1883

Sincerely,

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

## LAP REGULATORY T I M E L I N E S

<p><b>10/1/2009</b></p>	<p><b>CULTURAL APPROPRIATENESS REPORT &amp; LAP PLAN/REPORT UPDATE</b></p> <p><b>Health Insurers report to CDI</b></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"> <li>• Collection of data regarding the health insurer's insured population;</li> <li>• Education of insurer's staff, who have routine contact with insureds, regarding the insured population's diverse needs;</li> <li>• Recruitment and retention efforts that encourage workforce diversity;</li> <li>• Provision of information to providers regarding the ethnic diversity of insurer's insured population;</li> <li>• Provision of educational information to insureds regarding the LAP and services.</li> <li>• Evaluation of insurer's LAP;</li> <li>• Attach all relevant documentation including policies and procedures.</li> </ul> <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 &amp; 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 1<sup>st</sup> of odd numbered years.</p>
<p><b>10/01/2011</b></p>	<p><b>LANGUAGE SURVEY/ NEEDS ASSESSMENT UPDATE</b></p> <p><b>Health Insurer shall update survey &amp; assessment</b></p> <p>CCR §2538.4(a) CIC §10133.8(b)(1) &amp; (b)(2)</p>	<p>CCR §2538.4(a) - Every health insurer shall survey the language preferences and assess the linguistic needs of insureds within one year of the effective date of these regulations. Health insurers may utilize various survey methods, including, but not limited to, the use of existing enrollment and renewal processes, newsletters, or other mailings. <i>Health insurers shall update the linguistic needs assessment, demographic profile, and language translation requirements of their insured population every three years.</i></p>

<p><b>10/01/2011</b></p>	<p><b>LANGUAGE ASSISTANCE PROGRAM (LAP) PLAN AND REPORT UPDATE</b></p> <p><b>Health Insurer shall submit to CDI</b></p> <p>CCR §2538.3(b), (e) CIC §10133.8 (b)(3)(B)(v)</p>	<p>Health insurers shall submit the LAP Plan/Report biennially thereafter on October 1<sup>st</sup> 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 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>
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