

# Applying the National Standards for Culturally and Linguistically Appropriate Services (CLAS) to PASRR

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# Power and Possibility of PASRR Webinar Series

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# Webinar Agenda

- Review the Preadmission Screening and Resident Review (PASRR) regulatory expectations for person-centered approaches and cultural considerations;
- Define culture and how our values, customs, and priorities influence our way of life;
- Review cultural and linguistic competency definitions and framework based on the [Culturally and Linguistically Appropriate Services \(CLAS\) Standards from the U.S. Department of Health and Human Services, Office of Minority Health](#); and
- Understand how the CLAS Standards can be useful in relation to PASRR.

# PASRR Regulatory Framing

# Purposes of PASRR

- To ensure that individuals being considered for admission to a Medicaid certified Nursing Facility (NF) are found to meet NF Level of Care (LOC) and screened for a possible PASRR condition:
  - Mental Illness (MI);
  - Intellectual Disability (ID); and/or
  - Related Condition (RC).
- To ensure that the individual's service needs related to their PASRR condition are identified; and
- To ensure that the individual is aware of community alternatives to the NF admission.

Source: <https://www.ecfr.gov/current/title-42/chapter-IV/subchapter-G/part-483/subpart-C>

# PASRR CFR Person Centered Expectations

- Federal Nursing Facility Regulations (2016) at <https://www.ecfr.gov/current/title-42/chapter-IV/subchapter-G/part-483/subpart-B>:
  - A focus on Person-Centered Care and Quality of Life is integrated throughout the existing regulations;
  - There is a greater focus on addressing a resident's individual needs and preferences and person-centered planning; and
  - CMS affirmed the regulations' goals of supporting Person-Centered Care and enabling each resident to attain his or her highest level of well-being.
- [CFR § 483.128\(c\) Participation by individual and family](#). PASARR evaluations must involve:
  1. The individual being evaluated;
  2. The individual's legal representative, if one has been designated under State law; and,
  3. The individual's family if:
    - i. Available; and,
    - ii. The individual or the legal representative agrees to family participation.

# PASRR's Requirements for Culture and Language

- 42 CFR § 483.128(b) Adaptation to culture, language, ethnic origin. Evaluations performed under PASARR and PASARR notices must be adapted to the cultural background, language, ethnic origin, and means of communication used by the individual being evaluated.

# Culture and Language: Definitions and Conceptual Framework



# What Do We Mean by Culture?

- Culture is often described as the combination of a body of knowledge, a body of belief, and a body of behavior. It involves several elements that are often specific to ethnic, racial, religious, geographic, or social groups. This includes personal identification, language, thoughts, communications, actions, customs, beliefs, values, and institutions. For the provider of health information or health care, these elements influence beliefs and belief systems surrounding health, healing, wellness, illness, disease, and delivery of health services. The concept of **cultural respect** has a positive effect on individualized care delivery by enabling providers to deliver services that are respectful of and responsive to the health beliefs, practices, and cultural and linguistic needs of diverse patients.



Source: <https://www.nih.gov/institutes-nih/nih-office-director/office-communications-public-liaison/clear-communication/cultural-respect>

# What Do We Mean by Cultural Competence?

- **Cultural competency** is a developmental process in which one achieves increasing levels of awareness, knowledge, and skills along a continuum, improving one's capacity to work and communicate effectively in cross-cultural situations.
- **Strategies for practicing cultural competency include:**
  - Learning about your own and others' cultural identities;
  - Combating bias and stereotypes;
  - Respecting others' beliefs, values, and communication preferences;
  - Adapting your services to each individual's unique needs; and
  - Gaining new cultural experiences.

Source: <https://www.minorityhealth.hhs.gov/>

# What Do We Mean by Cultural Humility?

- **Cultural humility** is a reflective process of understanding one's biases and privileges, managing power imbalances, and maintaining a stance that is open to others in relation to aspects of their cultural identity that are most important to them.
- **Strategies for practicing cultural humility include:**
  - Practicing self-reflection, including awareness of your beliefs, values, and implicit biases;
  - Recognizing what you don't know and being open to learning as much as you can;
  - Being open to other people's identities and empathizing with their life experiences;
  - Acknowledging that the individual is their own best authority, not you; and
  - Learning and growing from people whose beliefs, values, and worldviews differ from yours.

Source: <https://www.minorityhealth.hhs.gov/>

# What Do We Mean by Linguistic Competence?

- The capacity of an organization and its personnel to communicate effectively and convey information in a manner that is easily understood by diverse audiences including persons of limited English proficiency, those who have low literacy skills or are not literate, individuals with disabilities, and those who are deaf or hard of hearing;
- Linguistic competency requires organizational and provider capacity to respond effectively to the health and mental health literacy needs of populations served; and
- The organization must have policy, structures, practices, procedures, and dedicated resources to support this capacity.

Source: Georgetown University - <https://nccc.georgetown.edu/foundations/framework.php>

# Federal Standards

[Title VI of the Civil Rights Act of 1964](#) requires recipients of Federal financial assistance to take reasonable steps to make their programs, services, and activities accessible by eligible persons with limited English proficiency;

**Regulations at [42 CFR § 441.301\(c\)\(1\)\(iv\)](#)** (Centers for Medicare & Medicaid Services) require that the person-centered planning process reflect the cultural considerations of the individual. This means putting the person at the center of support planning and prioritizing their views, input, beliefs, desires, and goals; and

[National CLAS Standards from the U.S. Department of Health and Human Services](#) are intended to advance health equity, improve quality, and help eliminate health care disparities by establishing a blueprint for health and health care organizations to provide effective, equitable, understandable, and respectful quality care and services that are responsive to diverse cultural health beliefs and practices, preferred languages, health literacy, and other communication needs.

# Federal CLAS Standards Applied to PASRR

# CLAS Principal Standard

## CLAS Standard #1 Principal Standard

Provide effective, equitable, understandable, and respectful quality care and services that are responsive to diverse cultural health beliefs and practices, preferred languages, health literacy and other communication needs.

## Themes

Governance, Leadership and Workforce;

Communication and Language Assistance; and

Engagement, Continuous Improvement and Accountability.

# Governance, Leadership & Workforce (1 of 3)

## CLAS Standard #2

- Advance and sustain organizational governance and leadership that promotes CLAS and health equity through policy, practices, and allocated resources.

## PASRR Consideration

- Look for ways that PASRR policies may promote the CLAS standards and health equity; and
- Dedicate PASRR resources to ensure hiring, contracting, training, screenings, evaluations, specialized services, and resident reviews are culturally and linguistically appropriate.



# Governance, Leadership & Workforce (2 of 3)

## CLAS Standard #3

- Recruit, promote, and support a culturally and linguistically diverse governance, leadership, and workforce that are responsive to the population in the service area.

## PASRR Consideration

- Promote hiring of state agency staff from diverse backgrounds to work on PASRR;
- Set diversity expectations for hiring of Level I screeners and Level II evaluators by contractors; and
- Encourage Level I and Level II partners to have screeners and evaluators with skills in other languages.

# Governance, Leadership & Workforce (3 of 3)

## CLAS Standard #4

- Educate and train governance, leadership, and workforce in culturally and linguistically appropriate policies and practices on an ongoing basis.

## PASRR Consideration

- Update PASRR specific training to include information about culture and language considerations – definitions, linkage to the PASRR regulations, and actions to ensure the person centered aspects of PASRR.

# Communication & Language Assistance (1 of 4)

## CLAS Standard #5

- Offer language assistance to individuals who have limited English proficiency and/or other communication needs, at no cost to them, to facilitate timely access to all health care and services.

## PASRR Consideration

- Optimize PASRR resources to ensure access to language translation and interpretation, as well as supports for use of alternative augmentative communication and differing communication modalities; and
- Ensure contractors responsible for PASRR implementation provide similar access to support individuals' language and/or communication preferences.

# Communication & Language Assistance (2 of 4)

## CLAS Standard #6

- Inform all individuals of the availability of language assistance services clearly and in their preferred language, verbally and in writing.

## PASRR Consideration

- Dedicate resources to create materials that explain the type of language and communication assistance available; and
- Ensure that written materials are available in different languages commonly spoken in your state and have ready access for translation of written material in other languages, as requested.

# Communication & Language Assistance (3 of 4)

## CLAS Standard #7

- Ensure the competence of individuals providing language assistance, recognizing that the use of untrained individuals and/or minors as interpreters should be avoided.

## PASRR Consideration

- Secure assistance that has the appropriate training in both language interpretation and PASRR; and
- Require PASRR partners and contractors to maintain access, through direct hire or subcontracts, to personnel who are trained and experienced in the interpretation of various languages.

# Communication & Language Assistance (4 of 4)

## CLAS Standard #8

- Provide easy-to-understand print and multimedia materials and signage in the languages commonly used by the populations in the service area.

## PASRR Consideration

- Leverage resources to create written PASRR materials in commonly used languages and in various medias, ***especially the determination letter***;
- Assure all written materials are in plain language; and
- Require the same of PASRR contractors.

# Engagement, Continuous Improvement & Accountability (1 of 7)

## CLAS Standard #9

- Establish culturally and linguistically appropriate goals, policies, and management accountability, and infuse them throughout the organization's planning and operations.

## PASRR Consideration

- The three state authorities responsible for PASRR can collaborate to assure that PASRR program policies and operational protocols include cultural and linguistic considerations, including expectations for contractors and other partners engaged in PASRR implementation.

# Engagement, Continuous Improvement & Accountability (2 of 7)

## CLAS Standard #10

- Conduct ongoing assessments of the organization's CLAS-related activities and integrate CLAS-related measures into measurement and continuous quality improvement activities.

## PASRR Consideration

- Review how you might incorporate the CLAS elements within the PASRR program; and then develop a plan to make needed changes and create measures;
- Establish a process to periodically review the performance of the changes and measures you choose for PASRR; and
- Engage PASRR partners to give input and develop their own processes for review and measurement.



# Engagement, Continuous Improvement & Accountability (3 of 7)

## CLAS Standard #11

- Collect and maintain accurate and reliable demographic data to monitor and evaluate the impact of CLAS on health equity and outcomes and to inform service delivery.

## PASRR Consideration

- Evaluate PASRR Level I and Level II forms to ensure the collection of demographic data that inform cultural, linguistic, and communication needs; and
- Establish or update data analysis protocols to include an ongoing look at improvement opportunities.

# Engagement, Continuous Improvement & Accountability (4 of 7)

## CLAS Standard #12

- Conduct regular assessments of community health assets and needs and use the results to plan and implement services that respond to the cultural and linguistic diversity of populations in the service area.

## PASRR Consideration

- Establish a standing process for assessing cultural and linguistic diversity needs and resources within your state's various communities; and
- Consider an advisory group of key PASRR partners to inform this process to ensure a successful and responsive PASRR program.

# Engagement, Continuous Improvement & Accountability (5 of 7)

## CLAS Standard #13

- Partner with the community to design, implement, and evaluate policies, practices, and services to ensure cultural and linguistic appropriateness.

## PASRR Consideration

- Recognize that input from community leaders outside of PASRR will ensure that your program design and implementation is culturally and linguistically appropriate; and
- Draw on these community resources to regularly review the services, practices, and policies of PASRR.

# Engagement, Continuous Improvement & Accountability (6 of 7)

## CLAS Standard #14

- Create conflict and grievance resolution processes that are culturally and linguistically appropriate to identify, prevent, and resolve conflicts or complaints.

## PASRR Consideration

- Ensure individuals engaged in the PASRR process have a way to express concerns that consider differing cultures and language and/or communication preferences; and
- Update materials for any PASRR grievance process in commonly-spoken languages and multi-media.

# Engagement, Continuous Improvement & Accountability (7 of 7)

## CLAS Standard #15

- Communicate the organization's progress in implementing and sustaining CLAS to all stakeholders, constituents, and the general public.

## PASRR Consideration

- Create methods to share the performance of the PASRR program; and
- Include key information about how culture, language, and communication are essential components of your state's PASRR program.

# Questions



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<https://www.surveymonkey.com/r/Augst8>

If you wish to receive CEUs for today's webinar, please complete the following questionnaire:

<https://www.surveymonkey.com/r/AUG82023>



## PASRR Technical Assistance Center

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