

**TECHNICAL GUIDANCE- JULY 24, 2013**

DATE: JULY 24, 2013

SUBJECT: Updated Instructions for Calculating County Level Estimates Pertaining to the Culturally and Linguistically Appropriate Standards Set Forth in the Internal Claims and Appeals and External Review Processes under the Affordable Care Act

Background

Public Health Service (PHS) Act section 2719 relating to Internal Claims and Appeals and External Review processes requires group health plans and health insurance issuers to provide relevant notices in a culturally and linguistically appropriate manner. The interim final rules (IFR) implementing section 2719 (as amended) require that group health plans and health insurance issuers offering both group and individual health insurance coverage provide notices in a culturally and linguistically appropriate manner (in accordance with the rules in the amended IFR) when a certain threshold is met. The threshold percentage for the group and individual markets is that at least 10 percent of the population in the claimant's county speak a particular non-English language and speak English less than "very well" as determined by American Community Survey (ACS) data published by the United States Census Bureau. The amended IFR provides a chart listing those 257 U.S. counties (78/257 are in Puerto Rico) in which this 10 percent threshold is met. These data are applicable for 2013 and are calculated using 2007-2011 ACS data.

The amended IFR noted that the Department of Health and Human Services (HHS) would publish guidance as to how county level estimates should be established in order to calculate the 10 percent threshold. Below are step-by-step instructions to make the calculations that are included in the amended IFR. These instructions are provided for transparency purposes

and to facilitate plans and issuers making these calculations on their own, if they so choose, consistent with the requirements of the amended IFR. Plans and issuers do not need to perform calculations on their own and can rely on the chart in the amended IFR as a safe harbor. HHS will update this table on an annual basis if there are changes to the list of the counties determined to meet this 10 percent threshold. It will be posted on the CCIIO website at <http://www.cms.gov/ccio/>.

Instructions for downloading American Community Survey five-year data

Step-by-step instructions

1: Downloading data

- A. Go to www.census.gov (the U.S. Census website).
- B. Click on “Data” on the top of the website. Then click on the “The American FactFinder” link for data from the American Community Survey.
- C. Scroll down to “What We Provide,” on the left side of the website. Under “American Community Survey,” click “get data.”
- D. Under “Search using the options below,” select “Topics.” Under Topics, click “People,” then click “Languages” and select “Languages Spoke at Home. Close this window.
- E. Under “Search using the options below,” select “Geographies.” Under “Select a geographic type” click on the drop down menu and click “County-050.” Then under “select one or more geographic areas” select “All Counties within United States,” and click “Add To Your Selections.” Close this window.
- G. This will take you to the list of variables on the “Search Results” screen. In the “Table, File or Document Title” tab, scroll down and select **B16001: Language Spoken at Home by Ability to speak English for the Population 5 Years and Over, 2011 ACS 5-year estimates.**

H. Click “Download” on the top of the webpage. This will bring you to a dialog box. Under “Comma delimited (.csv) format (data rows only),” “Data and annotations in a single file” and “Include descriptive data element names” will be checked. If not, check then and click “ok.” (Ignore the Presentation-ready formats, as the file is too large and will not provide results.” Then click “Download.”

I. Save the file and unzip it. There are four (4) files: titled “Readme;” “ACS_11_5yr_B16001.txt;” “ACS_11_5yr_B16001_metadata.csv;” and “ACS_11_5yr_with_ann.csv.” The “Readme” file lists the variable in the set. “ACS_11_5yr_with_ann.csv” contains the data you will use.

J. Below are the names of the columns you will need (Note: Every language variable has a Margin of Error (MOE) estimate after it. The MOE is not relevant for the purposes of this calculation, and therefore does not need to be taken into consideration.)

- B16001_1: Total Population 5 Years and Over (Total Estimate)
- B16001_5: Total Population 5 Years and Over That Speaks Spanish or Spanish Creole and speaks English less than “very well” (Estimate)
- B16001_8: Total Population 5 Years and Over That Speaks French (Incl. Patois, Cajun) and speaks English less than “very well” (Estimate)
- B16001_11: Total Population 5 Years and Over That Speaks French Creole and speaks English less than “very well” (Estimate)
- B16001_14: Total Population 5 Years and Over That Speaks Italian and speaks English less than “very well” (Estimate)
- B16001_17: Total Population 5 Years and Over That Speaks Portuguese or Portuguese Creole and speaks English less than “very well” (Estimate)

- B16001_20: Total Population 5 Years and Over That Speaks German and speaks English less than “very well” (Estimate)
- B16001_23: Total Population 5 Years and Over That Speaks Yiddish and speaks English less than “very well” (Estimate)
- B16001_26: Total Population 5 Years and Over That Speaks West Germanic Languages and speaks English less than “very well” (Estimate)
- B16001_29: Total Population 5 Years and Over That Speaks Scandinavian languages and speaks English less than “very well” (Estimate)
- B16001_32: Total Population 5 Years and Over That Speaks Greek and speaks English less than “very well” (Estimate)
- B16001_35: Total Population 5 Years and Over That Speaks Russian and speaks English less than “very well” (Estimate)
- B16001_38: Total Population 5 Years and Over That Speaks Polish and speaks English less than “very well” (Estimate)
- B16001_41: Total Population 5 Years and Over That Speaks Serbo-Croatian and speaks English less than “very well” (Estimate)
- B16001_44: Total Population 5 Years and Over That Speaks Other Slavic Languages and speaks English less than “very well” (Estimate)
- B16001_47: Total Population 5 Years and Over That Speaks Armenian and speaks English less than “very well” (Estimate)
- B16001_50: Total Population 5 Years and Over That Speaks Persian and speaks English less than “very well” (Estimate)
- B16001_53: Total Population 5 Years and Over That Speaks Gujarati and speaks English less than “very well” (Estimate)

- B16001_56: Total Population 5 Years and Over That Speaks Hindi and speaks English less than “very well” (Estimate)
- B16001_59: Total Population 5 Years and Over That Speaks Urdu and speaks English less than “very well” (Estimate)
- B16001_62: Total Population 5 Years and Over That Speaks Other Indic Languages and speaks English less than “very well” (Estimate)
- B16001_65: Total Population 5 Years and Over That Speaks Other Indo-European languages and speaks English less than “very well” (Estimate)
- B16001_68: Total Population 5 Years and Over That Speaks Chinese and speaks English less than “very well” (Estimate)
- B16001_71: Total Population 5 Years and Over That Speaks Japanese and speaks English less than “very well” (Estimate)
- B16001_74: Total Population 5 Years and Over That Speaks Korean and speaks English less than “very well” (Estimate)
- B16001_77: Total Population 5 Years and Over That Speaks Mon-Khmer, Cambodian and speaks English less than “very well” (Estimate)
- B16001_80: Total Population 5 Years and Over That Speaks Hmong and speaks English less than “very well” (Estimate)
- B16001_83: Total Population 5 Years and Over That Speaks Thai and speaks English less than “very well” (Estimate)
- B16001_86: Total Population 5 Years and Over That Speaks Laotian and speaks English less than “very well” (Estimate)
- B16001_89: Total Population 5 Years and Over That Speaks Vietnamese and speaks English less than “very well” (Estimate)

- B16001_92: Total Population 5 Years and Over That Speaks Other Asian Languages and speaks English less than “very well” (Estimate)
- B16001_95: Total Population 5 Years and Over That Speaks Tagalog and speaks English less than “very well” (Estimate)
- B16001_98: Total Population 5 Years and Over That Speaks Other Pacific Island Languages and speaks English less than “very well” (Estimate)
- B16001_101: Total Population 5 Years and Over That Speaks Navajo and speaks English less than “very well” (Estimate)
- B16001_104: Total Population 5 Years and Over That Speaks Other Native North American Languages and speaks English less than “very well” (Estimate)
- B16001_107: Total Population 5 Years and Over That Speaks Hungarian and speaks English less than “very well” (Estimate)
- B16001_110: Total Population 5 Years and Over That Speaks Arabic and speaks English less than “very well” (Estimate)
- B16001_113: Total Population 5 Years and Over That Speaks Hebrew and speaks English less than “very well” (Estimate)
- B16001_116: Total Population 5 Years and Over That Speaks African languages and speaks English less than “very well” (Estimate)

2: Calculating whether the 10 percent threshold is met for a particular non-English language

To determine whether the threshold is met for a particular non-English language in a particular county in which the issuer is operating, the “Total Population 5 Years and Over” is the denominator (B16001_1) and the numerator is the “Total Population 5 Years and Over” that speaks a particular non-English language and speaks English less than “very well.” For every

language for which this percentage is 10 percent or greater, the issuer must meet the requirements established in the IFR and articulated in this guidance.

For example: in Los Angeles County, California, the estimated total population is 9,056,154 (ACS 2005-2009 data). The estimated Spanish speaking population that speaks English less than “very well” is 1,755,933. This represents 19.4 percent of the population. Therefore, a group health plan and health insurance issuer must meet the requirements for culturally and linguistically appropriate notices for all claimants residing in Los Angeles County.