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| LOCAL COMMISSIONERS MEMORANDUM |
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DSS-4037EL (Rev. 9/89)

Transmittal No: 94 LCM-80

Date: July 8, 1994

Division: Health and Long
Term Care

TO: Local District Commissioners

SUBJECT: Personal Emergency Response Services (PERS)
Use of Language Translation Services

ATTACHMENTS: None

The purpose of this memorandum is to clarify whether a person who does not speak English or does not have English-speaking responders is eligible to receive PERS.

Department regulation 18 NYCRR 505.33(c)(2)(iii)(f), concerning the assessment of PERS appropriateness, states that PERS may be authorized only when "the person can communicate in basic English or, if the person is unable to communicate in basic English, the person's emergency responder or responders can communicate in basic English." (Emphasis added) The programmatic intent of this regulation was to permit the greatest flexibility possible in using available technology while ensuring the recipient or responder's ability to communicate with the PERS monitoring center in the event of an emergency.

Instantaneous translation services, such as AT&T's Language Line, or other technology permit information concerning the recipient's needs to be passed along or made known, are available and used as part of PERS. These technological advances ensure the ability to communicate in basic English, whether or not the person can speak in basic English.

Where such technology can facilitate communication in English and is provided for in the district's PERS plan, it can be considered to meet the requirement that the recipient or emergency responder be capable of communicating in basic English. A change will be made in 18 NYCRR 505.33 to afford the greatest degree of flexibility possible for the use of this technology as well as future technological changes.

In the interim, districts who wish to use the instantaneous language translation technology in their PERS program may revise their PERS plan in advance of the finalization of the regulations. Districts are reminded that any revisions to approved PERS plans should be submitted to the Department for approval in accordance with instructions contained in 91 ADM-42.

Please contact Donald Dwyer [89A807] at (518) 473-5616 or Richard Alexander at (518) 473-5506 [DMA037] with any questions concerning this transmittal.

Sue Kelly
Deputy Commissioner
Division of Health & Long Term Care