



CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
SCOTT M. STRINGER

MARJORIE LANDA
DEPUTY COMPTROLLER FOR
AUDIT

BUREAU OF AUDIT

June 28, 2019

By Electronic Mail

Oxiris Barbot, MD
Commissioner
New York City Department of Health and Mental Hygiene
42-09 28th Street, 14th floor
Long Island City, NY 11101

Re: Letter Report on the New York City Department of Health and Mental Hygiene's Compliance with Local Law 25 of 2016 Regarding Translation of Agency Website (Audit #SZ19-114AL)

Dear Commissioner Barbot:

This Letter Report concerns the New York City Comptroller's audit of the New York City Department of Health and Mental Hygiene's (DOHMH's) compliance with Local Law 25, which governs the translation of websites of New York City agencies. The objective of this audit was to determine whether DOHMH is complying with Local Law 25, which is intended to make City agencies, and ultimately the City as a whole, more accessible to foreign-born residents whose primary language is not English. Our audit of DOHMH is one in a series of audits we are conducting on the City's compliance with Local Law 25.

Background

New York City, with a population of more than 8.5 million people, is home to one of the most diverse populations in the world, with more than 3.2 million foreign-born residents from more than 200 countries. According to the New York City Department of City Planning (DCP), nearly one-half of all New Yorkers speak a language other than English at home, and almost 25 percent of City residents age five and over, or 1.8 million persons, are not proficient in English. For individuals with limited English proficiency, interacting with City government can often be a challenge.¹

Most City agencies have a significant presence on the internet and rely on agency websites to both provide information to and interact with the public. Accordingly, in 2016, Mayor de Blasio signed Local Law 25, amending the City's Administrative Code in relation

¹ Mayor's Office of Immigrant Affairs, "State of Our Immigrant City" annual report, March 2018; New York City Department of City Planning <https://www1.nyc.gov/site/planning/about/language-access.page>

to citizens' ability to access translation of City websites. Local Law 25 requires that every website maintained by or on behalf of a City agency include a translation service enabling users to view the text of that website, wherever practicable, in languages other than English. It also requires that the translation service be identifiable in a manner that is comprehensible to speakers of the seven most commonly spoken languages in the city. As determined by DCP, the seven most commonly spoken languages in New York City amongst residents with limited English proficiency are:

- 1) Spanish
- 2) Chinese (includes Cantonese, Mandarin, Taiwanese, and Formosan)
- 3) Russian
- 4) Bengali
- 5) Haitian Créole
- 6) Korean
- 7) Arabic

Thereafter, with the City's enactment of Local Law 30 of 2017, as of July 1, 2017 through the present, all City agencies that provide direct public services or emergency services, including DOHMH, must develop and implement Language Access Plans, in consultation with the Mayor's Office of the Language Services Coordinator and the Mayor's Office of Immigrant Affairs. These plans must include translation and interpretation services in the top 10 limited English proficiency (LEP) languages—the 6 designated by DCP and 4 others determined by the Mayor's Office of the Language Services Coordinator, based on language access data collected by the City Department of Education.² DOHMH's Language Access Plan accordingly adopted Local Law 30's 10-LEP language standard for purposes of providing direct public access via translation services through its website. The 10 designated languages Citywide in New York City among residents with LEP are:

- 1) Spanish
- 2) Chinese (includes Cantonese, Mandarin, Taiwanese, and Formosan)
- 3) Russian
- 4) Bengali
- 5) Haitian Créole)
- 6) Korean
- 7) Arabic
- 8) Urdu
- 9) French
- 10) Polish

² Local Law 30 of 2017 is codified at Title 23, Chapter 11 and at section 23-301 of the New York City Administrative Code and in amendments to sections 15(c) and 18(b), of the City Charter.

DOHMH's responsibility is to protect and promote the health and well-being of all New Yorkers. Among other things, DOHMH joins with communities to develop and implement public health programs, enforce health regulations, respond to public health emergencies and promote limited direct public services. Direct public services are provided at four tuberculosis clinics, eight sexual health clinics, one immunization clinic, and more than 1,200 public schools. In addition, DOHMH issues birth and death certificates, and inspects restaurants and child care centers. DOHMH attempts to reduce death and disability from chronic diseases, such as heart disease and cancer by educating New Yorkers about the dangers of smoking and the consumption of unhealthy foods, and about the benefits of physical activities for controlling blood pressure. DOHMH also contracts with community based organizations to deliver mental health, developmental disability, and alcohol and substance use disorder treatment services.

The objective of this audit was to determine whether DOHMH is complying with Local Law 25, which is intended to make City agencies' services more accessible to immigrants and non-English speakers through translations of its websites.

Findings and Recommendation

Our audit found that DOHMH generally complies with Local Law 25. DOHMH's website, found at <http://www1.nyc.gov/site/doh/index.page>, and <https://www1.nyc.gov/site/doh/about/about-doh/language-services-en.page> includes a translation feature for viewing text and essential information in various languages, including the above-noted top 10 languages. DOHMH's website also provides important information regarding its functions and services, which includes but is not limited to information pertaining to DOHMH's various divisions, office locations, contact information, forms, brochures, written notices of clients' rights and responsibilities and applications or intake forms to receive public services that have an immediate or large-scale health impact. All information can be translated and viewed in each of the top 10 noted languages.

DOHMH's most frequently requested documents can be translated and downloaded in the 13 most-requested languages according to DOHMH's Language Access Plan 2018, (English; the top 10 designated languages (Spanish, Chinese, Russian, Bengali, Haitian Créole, Korean, Arabic, Urdu, French, Polish); Italian; and Yiddish.).³⁴ We reviewed and successfully translated the following documents into DOHMH's 13 most requested languages:

- Health Bulletins (LGBTQ Health, Healthy Aging, Depression, and Cut the Salt)

³ City agencies determine which documents are key, essential, frequently used and translated on City websites in the top languages for each agency's business purposes.

⁴ In its Language Access Plan, DOHMH stated that it would include additional languages beyond the 10 required by Local Law 30.

- HIPAA Notice of Privacy Practice/Acknowledgement of Receipt Form
- Antibiotic Screening Form
- Choosing Child Care in NYC
- Childcare Flu Vaccine Poster
- Ordering Birth Certificates [Information]
- Birth Certificate Applications
- Applying for a Dog License
- Patient's Bill of Right⁵
- Family Rights in Early Prevention⁶

DOHMH's website has a language services page notifying users of their rights to free interpretation services. The page states the following: **"You have the right to services in your language. We are committed to providing services in many languages, including written translations and in-person or telephonic interpretation."** (Emphasis in original.) Additionally, the website provides an "I Speak" card that LEP users can utilize when visiting City agency locations. An "I Speak" card illustrates over 20 different languages and allows LEP individuals to point to the language that they need in order to get assistance. Specifically, the page has the following message: **"Print or download the 'I speak' card (PDF). When visiting the Health Department or another City agency, show the card to a staff member. He or she will call an interpreter for you. Language services are free at all New York City offices and clinics."** (Emphasis in original.)

DOHMH provides translation and interpretation services at all of its locations that interact with the general public, including its tuberculosis and health clinics located in Manhattan, Bronx, and Brooklyn, Queens, and Staten Island and at its 125 Worth Street, Manhattan location where the public requests birth and death certificates.

⁵ This document translates to Spanish, Chinese, Russian, Bengal, Haitian Creole, Korean, Arabic, Urdu, Polish, and Yiddish. French translation was not available. DOHMH determined that this document did not have to be translated to French since this language was not requested by the public.

⁶ This document translates to Spanish, Chinese, Russian, Bengal, Haitian Creole, Korean, Arabic, Urdu, French, and Punjabi. Polish translation was not available. DOHMH determined that this document did not have to be translated to Polish since this language was not requested by the public.

Our findings are outlined in the following table entitled Compliance Summary.

COMPLIANCE SUMMARY		
Criteria	Compliance	Notes
Website translates into the top 10 most commonly spoken languages. (As required by Local Law 25 of 2016 and Local Law 30 of 2017)	Yes	We reviewed and successfully translated the website text in all 10 noted languages. DOHMH’s website also has a “Translate This Page” feature, which enables translation of DOHMH’s website text into more than 100 languages.
Website translates essential documents into the top 10 most commonly spoken languages. Key documents translate into DOHMH’s top 10 most requested languages of residents with limited English proficiency. (As prescribed by DOHMH’s standards) ⁷	Yes	We reviewed and successfully translated DOHMH’s essential information into the top 10 noted languages and translated key documents into DOHMHs 10 most requested languages of residents with limited English proficiency.

We recommend that DOHMH continue to maintain its compliance with Local Law 25 to ensure it effectively meets the needs of residents with limited English proficiency when accessing City services online.

Scope and Methodology

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. This audit was conducted in accordance with the audit responsibilities of the City Comptroller as set forth in Chapter 5, §93, of the New York City Charter.

The scope period for this audit was May 29, 2019 to June 10, 2019 the last day of our fieldwork. Our methodology for this audit consisted of the following steps:

- We reviewed applicable laws, rules, policies and procedures to determine our criteria in accordance with Local Law 25.
- We reviewed applicable laws, rules, policies and procedures to determine our criteria in accordance with Local Law 30.
- We researched and determined the 10 designated Citywide languages in the City among residents with limited English proficiency, as determined by the Department of

⁷ DOHMH continuously reviews the translations requested for its documents on its website. Based upon the usage, DOHMH will decide if the translation of a brochure/documents should be continued or discontinued in languages other than the top 10 languages required by Local Law 30. However, the website still translates into the top 10 languages as required.

City Planning, the Mayor’s Office of Language Services Coordinator, and data collected by the city Department of Education.

- We reviewed and analyzed DOHMH’s website and tested its ability to translate documents into the top 10 most commonly spoken languages for residents with limited English proficiency.
- We reviewed and analyzed DOHMH’s June 2018 Language Access Plan to determine what steps DOHMH took to comply with Local Law 25.
- We reviewed the Language Access Plan to determine which documents DOHMH deemed essential for the agency to provide direct public services and that needed to be translated.
- We reviewed and analyzed whether DOHMH’s essential documents and forms could be downloaded on the website, and tested whether they translate to the 10 most commonly spoken languages for residents with limited English proficiency.

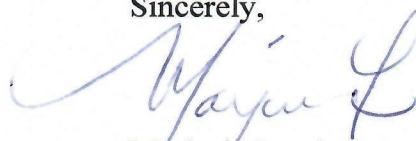
Based on our understanding of the Local Law 25 and Local Law 30 requirements for its website translation, we outlined all the criteria necessary for agencies to be in compliance. The table below outlines agencies’ core criteria required to achieve compliance under Local Law 25 and Local Law 30. A summary of these core criteria forms the basis for the compliance summary reported for each audited agency.

CORE CRITERIA	
Compliance	Detailed Criteria
Spanish	Agency’s website includes a translation feature for viewing text, essential information and key documents in Spanish
Chinese	Agency’s website includes a translation feature for viewing text, essential information and key documents in Chinese
Russian	Agency’s website includes a translation feature for viewing text, essential information and key documents in Russian
Bengali	Agency’s website includes a translation feature for viewing text, essential information and key documents in Bengali
French Créole (Haitian Créole)	Agency’s website includes a translation feature for viewing text, essential information and key documents in French Créole/Haitian Créole
Korean	Agency’s website includes a translation feature for viewing text, essential information and key documents in Korean
Arabic	Agency’s website includes a translation feature for viewing text, essential information and key documents in Arabic
Urdu	Agency’s website includes a translation feature for viewing text, essential information and key documents in Urdu
French	Agency’s website includes a translation feature for viewing text, essential information and key documents in French
Polish	Agency’s website includes a translation feature for viewing text, essential information and key documents in Polish

The matters covered in this letter report were discussed with DOHMH officials during and at the conclusion of this audit. DOHMH officials were notified of our findings during the course of the audit and agreed that an exit conference was not necessary. On June 14, 2019, we submitted a draft letter report to DOHMH with a request for comments. We received a written response from DOHMH on June 27, 2019. In its response, DOHMH agreed with the audit's recommendation, stating, "Our Agency is committed to compliance with Local Law 25 and will continue to provide translation services for our direct public facing websites to those with limited English proficiency."

The full text of DOHMH's comments is included as an addendum to this report.

Sincerely,



Marjorie Landa

c: Emiko Otsubo, Executive Deputy Commissioner/COO, DOHMH
Maura Kennelly, Acting Associate Commissioner, DOHMH
Laura Rivera, Assistant Commissioner, Communications, DOHMH
Luis Valle, Language Access Manager, DOHMH
Mario Gonzalez, Audit Manager, Audit Services, DOHMH
Sara Packman, Assistant Commissioner, DOHMH
Adam Pitt, Senior Auditor, DOHMH
Jeff Thamkitikasem, Director, Mayor's Office of Operations
George Davis III, Deputy Director, Mayor's Office of Operations



NEW YORK CITY DEPARTMENT OF
HEALTH AND MENTAL HYGIENE
Oxiris Barbot, MD
Commissioner

Audit Services, Medicaid
Compliance
Sara Packman, CPA, CHC
Assistant Commissioner
spackman@health.nyc.gov
42-09 28th Street, CN69

Marjorie Landa
Deputy Comptroller for Audit
Office of the New York City Comptroller
1 Centre Street, Room 1100
New York, NY 10007-2341

Re: Draft Audit Report on the New
York City Department of Health and
Mental Hygiene's Compliance with
Local Law 25 of 2016 Regarding
Translation of Agency Website
SZ19-114AL

Dear Deputy Comptroller Landa:

We have received and reviewed your draft report SZ19-114AL.

Thank you for informing us that DOHMH generally complies with Local Law 25. Our Agency is committed to compliance with Local Law 25 and will continue to provide translation services for our direct public facing websites to those with limited English proficiency.

Sincerely,

Sara Packman
Assistant Commissioner, Audit Services

Cc: Emiko Otsubo, Executive Deputy Commissioner/COO, DOHMH
Maura Kennelly, Acting Associate Commissioner, DOHMH