U.S. Department of Health and Human Services
Plain Writing Act Compliance Report
2022

Background

For more than a decade, the Plain Writing Act of 2010 (Act) has required federal agencies to use clear government communication that the public can understand and use. Plain writing is especially important in the context of healthcare and human services. The U.S. Department of Health and Human Services (HHS or Department) recognizes how plain writing can help address the needs of those with limited health literacy skills. Plainly written documents are less complex, more clear, concise, and jargon-free in helping people understand health information better. The Act requires agencies to write an annual compliance report and post that report on the agency's plain writing web page. It also requires agencies to designate a senior official to oversee implementation of plain writing requirements. The HHS Plain Writing Act compliance reports and senior officials are available at: https://www.hhs.gov/open/plain-writing/index.html.

The HHS Compliance Report for calendar year 2021 demonstrates our continued compliance with the requirements of the Act. The Report is organized in sections on Accomplishments, Best Practices, Innovations, Continuous Improvements, and Promoting Equity. The focus on equity stems from Secretary Becerra and the Biden-Harris Administration's issuance of Executive Order 13985 *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, signed January 20, 2021, which aims to advance civil rights, social justice, and equal opportunity for all.

Accomplishments

HHS seeks to reach all Americans with useful health information they can easily understand. Over the past year, the Department and its agencies continued the ongoing review and improvement of new and existing reports and web content for plain writing to ensure the greatest public impact. The following are examples of accomplishments across the Department.

The Centers for Disease Control and Prevention (CDC) developed several COVID-19 websites and videos with an emphasis on plain language that were among the most visited based on google analytics, including:

- The COVID-19 Your Health website provided an easy-to-use community level tool that shared plainly written information on hospitalizations and cases to help individuals and communities decide what prevention steps to take.

- The What You Need to Know About Variants video depicted images of COVID-19 viruses to promote a clear understanding of the science.

The Centers for Medicare & Medicaid Services (CMS) published various impactful, plainly written documents, including:

- The Medicare & You handbook explained Medicare benefits in plain writing and was mailed to over 50 million beneficiaries. It was updated through a rigorous review process that also included consumer testing to improve understanding.

- The Marketplace Eligibility Notice was edited based on multiple rounds of consumer testing to provide a single, plainly written, actionable page on eligibility, enrollment, deadlines, and effective dates. CMS mailed more than 15 million notices in 2021.

The Office for Civil Rights (OCR) developed in plain language and posted on its website the following new documents and video that received many visits from the public based on google analytics:

- The Guidance on HIPAA, COVID-19 Vaccinations, and the Workplace explained when the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule applied to disclosures and requests for information on COVID-19 vaccination status.

- The Guidance to Boost Accessibility and Equity in COVID-19 Vaccine Programs provided the legal standards and best practices for improving access to COVID-19 vaccine programs and ensuring nondiscrimination on the basis of race, color, and national origin.

- The Civil Rights Protections for Individuals in Recovery from an Opioid Use Disorder video explained discrimination protections for individuals in treatment for, or recovery from, substance abuse disorders.

The Office of the Inspector General (OIG) revamped the following highly visited websites:

- The COVID-19 Portal made it easier for the public to find covid-19 information in one place.

- The Operation CARE clearly explained the impact of COVID-19 on older Americans.

- The Nursing Homes made OIG's work on nursing homes accessible in one place.

The National Institutes of Health (NIH) updated the What is Cancer? website to make it more understandable for people needing information about cancer. The website provided answers to important questions and received the most visits of any page on cancer based on google analytics.

The Departmental Appeals Board (DAB) held an inpatient hospital model decision training specifically focused on increasing decision adherence to plain writing. As a part of this training, DAB's leadership drafted eight sample decisions for attorneys and judges to use as a reference. These new model decisions implemented several plain writing strategies to encourage concise and focused analysis. Specifically, the model decisions focused on eliminating irrelevant, boilerplate legal authorities, analysis, and factual findings. The model decision training also included a "road map" for the ideal hospital inpatient decision structure. This road map encouraged attorneys to reduce paragraph length, limit paragraphs to one idea, and focus only on relevant facts and issues. DAB's goal was to draft inpatient hospital decisions that presented only necessary information to the public in a clear and concise format. As a result of this training, the average inpatient hospital decision length decreased from eight to four pages.

Best Practices

HHS employed a variety of best practices to reinforce plain writing, including having senior officials promote plain writing and implement tools for tracking and measuring plain writing effectiveness.

The U.S. Food & Drug Administration (FDA) featured the Strategic Plan for Risk Communication and Health Literacy and the CDC Clear Communication Index on fda.gov to emphasize plain writing. As a result, plain language in written documents increased allowing audiences with limited English proficiency or health literacy to understand and use FDA resources to meet their needs.

DAB's leadership reinforced plain writing compliance by explicitly including plain writing as a requirement under all applicable staff's performance plans and evaluations. Senior mentors, supervisors, and judges provided attorneys, interns, and other staff with specific plain writing feedback on a regular basis. Judges and managers in all DAB divisions reviewed drafts prepared by attorneys and other staff to measure plain writing compliance. Administrative Appeals Judges and Board members in the Appellate Division used case review sheets when reviewing decisions and orders drafted by staff attorneys, which explicitly required judges to consider and give feedback on plain language issues.

The Agency for Healthcare Research and Quality (AHRQ) made plain language a priority for all documents produced by its Office of Communications. A plain writing trained editor reviewed the documents to improve clarity. The importance of plain language was included in AHRQ's Publication and Communications Guidelines. AHRQ documents improved significantly based on metrics that evaluated message effectiveness.

The Office of the Assistant Secretary for Public Affairs (ASPA) used a web tool called "Siteimprove" to measure the Flesch Kincaid Grade Level for HHS webpages. Based on real time feedback, ASPA identified areas for improvement and expeditiously made the recommended updates. As a result, HHS websites were constantly monitored and updated to meet visitors' needs throughout 2021.

Innovations

HHS developed innovative strategies to promote plain writing, including specifying plain writing skills in position descriptions, plain language office hours, and plain language training for auditors and chief information officers.

The Health Resources and Services Administration (HRSA) Office of Communications hired two employees to focus on plain writing. The job description for both newly hired employees included specific references to plain language and duties, requiring plain language digital content that is appropriate for key audiences. HRSA also kicked off biweekly "Plain Language Office Hours" and began hosting plain language "Minis." A "Mini" included a brief plain language lesson. The first lesson focused on active versus passive voice, how to spot passive tense, and how to fix sentences to use active voice.

The Substance Abuse and Mental Health Services Administration (SAMHSA) required plain writing for its contracts. In 2021, SAMHSA contracts contain the following language: "All products prepared under this contract/task order shall follow the federal Plain Language guidelines at https://www.plainlanguage.gov/ and shall strive to maintain the national level of suggested reading levels for the appropriate audiences. In planning and creating communications products, SAMHSA recommends the use of plain language, health literacy, and cultural competency."

The Office of Inspector General (OIG) developed a writing course for auditors that emphasized plain writing. The aim was to improve the understandability of OIG audit reports by the public. The course addressed the concerns of auditors who were struggling between the importance of plain writing and the need for technical precision.

CDC's Literacy Council developed the Action Plan to Improve Health Literacy to supports plain language. The Council met three times in 2021 and developed guidance to help CDC's Chief Information Officers comply with the Plain Writing Act and the Action Plan.

Continuous Improvement

Across the Department, agencies trained employees on the importance of plain writing and how to do it effectively. They encouraged the use of plain writing for both internal and external communications.

HRSA strived for an environment of continuous learning around plain language. It offered several trainings and underwent web revamps across multiple websites. More than 100 staff completed training focused on: top tips for writing in plain language; how to follow the process created for anyone seeking plain language help; how to use the readable web application to assess and improve content; before and after plain language examples; and data that helps people understand the need for plain language. At the conclusion of these trainings, staff were eager to learn more and interested in putting the tools into practice.

Eight staff in the ASPA Digital Team participated in trainings to use plain language. They focused their attention on using plain writing for web content, social media graphics, as well as leveraging new technology to display data to help reinforce plain language content that met the public's needs.

The AHRQ Health Literacy Workgroup briefed senior leadership on opportunities to improve the quality of healthcare delivery reports by promoting plain language. Workgroup members subsequently met with staff throughout AHRQ to follow up on those opportunities, particularly in developing contractor requirements for report writing based on plain language and audience testing.

CDC's Healthy Literacy leader delivered a plain language webinar to an external audience of 48 members of the Ithaca College Gerontology Institute on how to use plain language to create or revise public-facing, public health materials. The leader also trained 125+ staff from the U.S. Environmental Protection Agency (EPA) on how to use plain writing to improve the public's understanding of EPA's fish consumption advisories.

Promoting Equity

The Department focused on promoting equity in 2021. Inequities in our laws, public policies, and public and private institutions have denied equal opportunities to individuals and communities. As a result, entrenching disparities on the basis of race, gender, immigration status, and other characteristics persist. Promoting equity is essential to the Department's mission of protecting the health of all Americans and providing essential human services. The use of plainly written culturally sensitive, unbiased information supported the Department's equity promotion by reaching people in a way that resonated with them.

FDA's Office of Minority Health and Health Equity (OMHHE) launched the plainly written Enhance Equity Initiative to boost:

- Equity in clinical trials by supporting efforts to advance diversity in clinical trials.
- Equitable data efforts by increasing diverse groups data availability.
- Equity of voices by amplifying FDA's communication with diverse groups to ensure consumers were informed about FDA effort and to understand diverse patient perspectives, preferences, and unmet needs.

OMHHE developed several plain language resources for racial and ethnic minorities and tribal communities. The resources were available in different format, including print, digital, and social media, and in multiple languages.

OCR issued new plainly written documents to support equity, including:

- The Notice and Guidance on Gender Affirming Care, Civil Rights, and Patient Privacy stated the Department's position on gender affirming care for minors when medically appropriate and necessary to improve their physical and mental health. In drafting this document, OCR engaged with stakeholders to confirm that the document was accessible and understandable.
- The Guidance for Healthcare Providers on Civil Rights Protections for People with Disabilities made it clear that individuals with disabilities should not be prevented from receiving needed healthcare benefits and services during COVID-19.

To advance health equity in maternal healthcare service, the HHS Office of Minority Health launched a new online learning program titled *Culturally and Linguistically Appropriate Services*

in Maternal Healthcare. The program was designed to develop maternal healthcare providers' knowledge and skills on the delivery of culturally and linguistically appropriate services.

CDC issued new plain language documents, web portals, and speaking series that promoted equity in CDC's policies, programs, and activities, such as:

- The Health Equity Guiding Principles for Inclusive Communication emphasized the importance of addressing all people inclusively and respectfully. Health communicators within and outside of CDC learned to adapt their communications to the specific cultural, linguistic, environmental, and historical situation of their audiences.

- The Racism and Health web portal promoted public discourse on how racism negatively affected health and communicated potential solutions. Working with the broader public health community, CDC will further investigate the impact of racism on health and efforts to achieve health equity for all.

- The Health Equity Speaker Series presented groundbreaking health equity-focused research findings and programs to increase our understanding and awareness of contemporary health equity issues and the social determinants of health.

- The Health Equity in Action website highlighted CDC's efforts to reduce health disparities among groups at higher risk for COVID-19. The projects aligned with CDC's COVID-19 Health Equity Strategy and provided examples of CDC's efforts to improve the health of groups that had been disproportionately affected by COVID-19.

- The Barriers to Equity in Alzheimer's and Dementia Care web page showed that people of color faced discrimination when seeking healthcare for Alzheimer's disease and related dementias and provided recommendations on how to move forward.

- The Bring Down Barriers and Create Community digital media toolkits suggested ways people can work together to reduce and remove barriers to emergency preparedness and response. Long-standing systemic and social inequities created health disparities that put many people, including people with disabilities and people from racial and ethnic minority groups, at increased risk during and after disasters.

Part of the CMS Equity Plan for quality of care provided to minority and other underserved populations was improving communication and language access for people with limited English proficiency and people with disabilities. For example:

- The CMS Office of Communications provided plainly written publications in languages beyond English and Spanish and in alternate formats such as Braille, Large Print, audio CD, and eReader.

- The Information in Other Languages page on Medicare.gov provided translations in more than 20 languages of publications in many popular Medicare topics.

- CMS expanded the language translations over the past year, most notably now offering translations of the "Medicare & You" handbook in Chinese, Vietnamese and Korean.

- Consumers of the Health Insurance Marketplace had access to plain language publications in a variety of languages.

- Multilanguage lines were available through the Medicare and Marketplace call centers where people had access to translators for hundreds of languages. CMS also offered phone numbers for teletypewriter users for the Medicare and Marketplace call centers.

Conclusion

HHS's implementation of the Plain Writing Act has grown in scope and effectiveness with each year. Through persistent leadership, HHS has cultivated a plain writing culture, ensuring all new and existing documents and web content for the public, other government entities, and HHS employees are written in plain language.

If you have questions or feedback about this report, please contact Dr. Ekaterini Malliou in the HHS Office of the Executive Secretary at Ekaterini.Malliou@hhs.gov.