

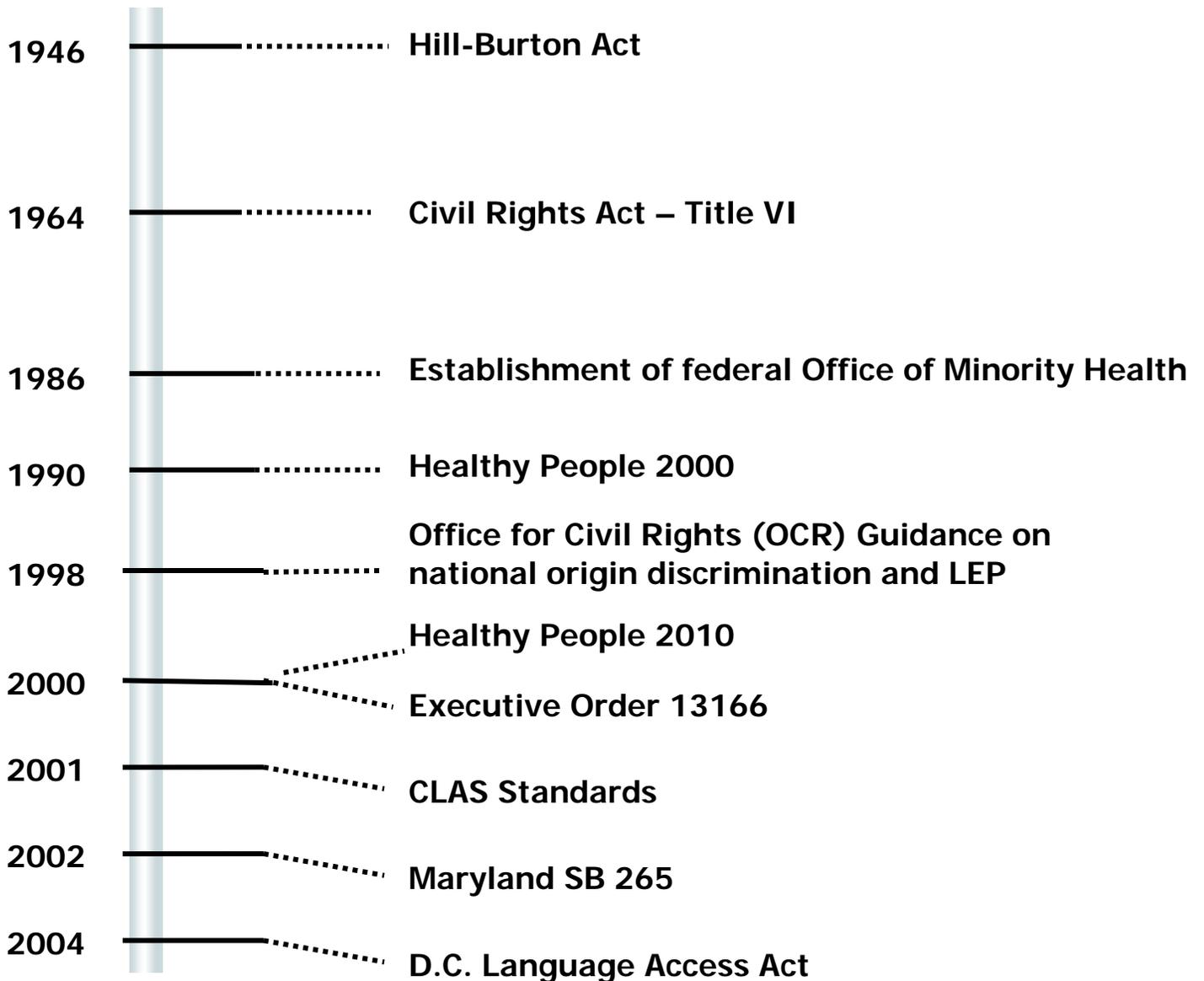
HELP! Does Anyone Speak Spanish?

Legal requirements and best practices for
interpreting in health care

Maryland Health Disparities Conference
and Public Health Forum
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**Darci Graves, MA, MA,
University of Maryland Baltimore County
darci.graves@gmail.com**

Timeline of Legislation/Policy As It Relates to Cultural and Linguistic Competence



As of January 2006, 43 states have one or more laws addressing language access in healthcare settings.

Hill-Burton Act

The Hill-Burton Act authorizes assistance to public and other nonprofit medical facilities such as acute care general hospitals, special hospitals, nursing homes, public health centers, and rehabilitation facilities.

The Community Service Assurance under Title VI of the Public Health Service Act requires recipients of Hill-Burton funds to make services provided by the facility available to persons residing in the facility's service area without discrimination on the basis of race, color, national origin, creed, or any other ground unrelated to the individual's need for the service or the availability of the needed service in the facility. These requirements also apply to persons employed in the service area of the facility if it was funded under Title XVI of the Public Health Service Act. Please note that the community service obligation is different from the uncompensated care provision. The community service obligation does not require the facility to make non-emergency services available to persons unable to pay for them. It does, however, require the facility to make emergency services available without regard to the person's ability to pay.

<http://www.hhs.gov/ocr/hburton.html>

Civil Rights Act – Title VI

Title VI of the Civil Rights Act of 1964 is a national law that protects persons from discrimination based on their race, color, or national origin in programs and activities that receive Federal financial assistance. If you are eligible for Medicaid, other health care, or human services, you cannot be denied assistance because of your race, color, or national origin. The Office for Civil Rights (OCR) in the U. S. Department of Health and Human Services (DHHS) enforces Title VI as well as other civil rights laws.

<http://www.hhs.gov/ocr/title6.html>

Establishment of the Office of Minority Health

The mission of the Office of Minority Health (OMH) is to improve and protect the health of racial and ethnic minority populations through the development of health policies and programs that will eliminate health disparities.

OMH was established in 1986 by the U.S. Department of Health and Human Services (HHS). It advises the Secretary and the Office of Public Health and Science (OPHS) on public health program activities affecting American Indians and Alaska Natives, Asian Americans, Blacks/African Americans, Hispanics/Latinos, Native Hawaiians, and other Pacific Islanders.

<http://www.omhrc.gov/templates/browse.aspx?lvl=1&lvlID=7>

Guidance Memorandum -- January 29, 1998

Title VI Prohibition Against National Origin Discrimination Persons with Limited-English Proficiency

Introduction to Limited-English-Proficiency Guidance

The Office for Civil Rights (OCR) has issued the following guidance memorandum on national origin non-discrimination and Limited-English-Proficiency (LEP) to OCR staff to ensure consistent application of Title VI of the Civil Rights Act of 1964 to health and social services programs funded by HHS. The import of the memorandum is that it addresses language assistance that may be required for effective communication between health and social service providers and persons of Limited English Proficiency (LEP). Pursuant to Title VI, such assistance is appropriate where language barriers cause LEP persons to be excluded from or denied equal access to HHS-funded programs.

In reviewing the memorandum, you will note that it spells out factors that OCR staff will consider when working with HHS-funded programs to ensure that persons of Limited English Proficiency (LEP) are not discriminatorily denied equal access to or an equal opportunity to benefit from health and social services programs on the basis of national origin. The guidance also describes a variety of options that may be used in addressing the language assistance needs of LEP persons. In presenting these options, the guidance stipulates that health and social service providers are not required to use all of the suggested

methods listed. However, providers should establish and implement policies and procedures for fulfilling their Title VI equal opportunity responsibilities to LEP persons. OCR developed this guidance based on tested practices identified in compliance reviews and negotiated settlements with recipients to provide language services.

<http://www.hhs.gov/ocr/lepfinal.htm>

Healthy People 2000

Healthy People 2000, was released in 1990. It is a comprehensive agenda organized into 22 priority areas, with 319 supporting objectives. Three overarching goals are to increase years of healthy life, reduce disparities in health among different population groups, and achieve access to preventive health services.

<http://odphp.osophs.dhhs.gov/pubs/hp2000/hp2kfact.htm>

Healthy People 2010

Healthy People 2010, however, is just the beginning. The biggest challenges still stand before us, and we all share a role in building a healthier Nation.

Regardless of your age, gender, education level, income, race, ethnicity, cultural customs, language, religious beliefs, disability, sexual orientation, geographic location, or occupation, Healthy People 2010 is designed to be a valuable resource in determining how you can participate most effectively in improving the Nation's health.

<http://www.healthypeople.gov/Document/pdf/uih/uih.pdf>

Executive Order 13166

THE WHITE HOUSE
Office of the Press Secretary (Aboard Air Force One)

For Immediate Release

August 11, 2000

EXECUTIVE ORDER 13166
IMPROVING ACCESS TO SERVICES FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency (LEP), it is hereby ordered as follows:

Section 1. Goals.

The Federal Government provides and funds an array of services that can be made accessible to otherwise eligible persons who are not proficient in the English language. The Federal Government is committed to improving the accessibility of these services to eligible LEP persons, a goal that reinforces its equally important commitment to promoting programs and activities designed to help individuals learn English. To this end, each Federal agency shall examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services consistent with, and without unduly burdening, the fundamental mission of the agency. Each Federal agency shall also work to ensure that recipients of Federal financial assistance (recipients) provide meaningful access to their LEP applicants and beneficiaries. To assist the agencies with this endeavor, the Department of Justice has today issued a general guidance document (LEP Guidance), which sets forth the compliance standards that recipients must follow to ensure that the programs and activities they normally provide in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of title VI of the Civil Rights Act of 1964, as amended, and its implementing regulations. As described in the LEP Guidance, recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

Sec. 2. Federally Conducted Programs and Activities.

Each Federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities. Agencies shall develop and begin to implement these plans within 120 days of the date of this order, and shall send copies of their plans to the Department of Justice, which shall serve as the central repository of the agencies' plans.

Sec. 3. Federally Assisted Programs and Activities.

Each agency providing Federal financial assistance shall draft title VI guidance specifically tailored to its recipients that is

consistent with the LEP Guidance issued by the Department of Justice. This agency-specific guidance shall detail how the general standards established in the LEP Guidance will be applied to the agency's recipients. The agency-specific guidance shall take into account the types of services provided by the recipients, the individuals served by the recipients, and other factors set out in the LEP Guidance. Agencies that already have developed title VI guidance that the Department of Justice determines is consistent with the LEP Guidance shall examine their existing guidance, as well as their programs and activities, to determine if additional guidance is necessary to comply with this order. The Department of Justice shall consult with the agencies in creating their guidance and, within 120 days of the date of this order, each agency shall submit its specific guidance to the Department of Justice for review and approval. Following approval by the Department of Justice, each agency shall publish its guidance document in the Federal Register for public comment.

Sec. 4. Consultations.

In carrying out this order, agencies shall ensure that stakeholders, such as LEP persons and their representative organizations, recipients, and other appropriate individuals or entities, have an adequate opportunity to provide input. Agencies will evaluate the particular needs of the LEP persons they and their recipients serve and the burdens of compliance on the agency and its recipients. This input from stakeholders will assist the agencies in developing an approach to ensuring meaningful access by LEP persons that is practical and effective, fiscally responsible, responsive to the particular circumstances of each agency, and can be readily implemented.

Sec. 5. Judicial Review.

This order is intended only to improve the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers or employees, or any person.

WILLIAM J. CLINTON
THE WHITE HOUSE,
August 11, 2000.

<http://www.usdoj.gov/crt/cor/Pubs/eolep.htm>

National Standards for Culturally and Linguistically Appropriate Services (CLAS)

The CLAS standards are primarily directed at health care organizations; however, individual providers are also encouraged to use the standards to make their practices more culturally and linguistically accessible. The principles and activities of culturally and linguistically appropriate services should be integrated throughout an organization and undertaken in partnership with the communities being served.

The 14 standards are organized by themes: Culturally Competent Care (Standards 1-3), Language Access Services (Standards 4-7), and Organizational Supports for Cultural Competence (Standards 8-14). Within this framework, there are three types of standards of varying stringency: mandates, guidelines, and recommendations.

<http://www.omhrc.gov/templates/browse.aspx?VI=2&IvID=15>

Maryland Senate Bill 265

MD Senate Bill 265 is primarily a state reaffirmation of Executive Order 13166. The law declares the intent of the Maryland General Assembly that State departments, agencies, and programs shall provide equal access to public services for individuals with Limited English Proficiency; requiring vital documents to be translated into any language spoken by any Limited English Proficient population that constitutes 3% of the overall population within a specified geographic area.

http://www.sha.state.md.us/EmploymentOpportunities/oeo/LEP_Overview%20.asp

D.C. Language Access Act

The Language Access Act of 2004 was enacted by Mayor Anthony A. Williams on April 21, 2004. The Act's purpose is to provide greater access and participation in public services, programs and activities for residents of the District of Columbia with limited or no-English proficiency (LEP/NEP).

http://www.k12.dc.us/dcps/frontpagepdfs/LAA/LAA%20Fact%20Sheet_ENG.pdf