

# **LANGUAGE ACCESS AMONG HEALTH CENTERS**

Mary Esther Diaz, M.Ed., CT, CHI™

Flor Castellanos, M.A.

Interpreter Trainers

**TAHIT Public Service Announcement**

<https://www.youtube.com/watch?v=UBLuaoGXOBg>

mediaz16@gmail.com; fcastellanos@mrcaustin.org

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# OBJECTIVES

- Participants will learn about what interpreting is and its importance.
- Participants will learn the elements of quality interpreting.
- Participants will gain a better understanding of how to work with interpreters as practitioners.

# OUTLINE

1. Federal Regulations
2. What is interpreting and why is it important?
3. What does quality interpreting look like?
4. The role of the practitioner when working with an interpreter
5. Resources for practitioners

# FEDERAL REGULATIONS

## THE REQUIREMENT

FROM: LANGUAGE SERVICES ACTION KIT, NATIONAL HEALTH  
LAW PROGRAM & THE ACCESS PROJECT 2003

Federal law and guidelines require that all recipients of federal funding, such as health care providers who serve Medicare, Medicaid, and State Children's Health Insurance Program (SCHIP) enrollees or receive research funding, must provide meaningful access to services to individuals with limited English proficiency.

VIDEO

<https://www.youtube.com/watch?v=qaVKy-2HWIo>

**WHY PROVIDING CLIENTS  
WITH INTERPRETERS IS  
IMPORTANT**

## THE NEED

- 25 million persons in the U.S. are “limited English Proficient” (LEP)
- LEP individuals face many barriers to critical health and social services
- Language barriers often result in an inability to access programs, unsatisfactory encounters, and possible negative personal or healthcare outcomes



## QUALITY HEALTH CARE

- The goal of providing quality health care should also guide efforts to ensure language access for LEP individuals.
- Without effective communication between patient and provider, a number of issues can arise.

## THE STATUS QUO

Failure to use a qualified and professional interpreter in medical situations can lead to breaches in patient confidentiality, as well as compromise the quality of patient care (Yale School of Public Health).

## Florida 1984

“Misinterpretation of a single Spanish word (*Intoxicado* misinterpreted in this case to mean “intoxicated” instead of its intended meaning of ‘feeling sick to the stomach’) led to a **\$71 million dollar malpractice settlement** associated with a potentially preventable case of quadriplegia.”

## TYPES OF FEDERAL FINANCIAL ASSISTANCE

- Medicare, Medicaid
- Funding for Hospitals, Public Health Clinics, Departments of Health, Transportation, Police, Corrections/Jails, Courts, Nutrition Sites
- Clinicians who are reimbursed, etc.

# PROVIDING LANGUAGE SERVICES

FROM: LANGUAGE SERVICES ACTION KIT, NATIONAL HEALTH  
LAW PROGRAM & THE ACCESS PROJECT 2003

There are various options available for providing oral language assistance including the use of bilingual staff, staff interpreters, or contract interpreters.

# TYPES OF INTERPRETERS

## ACA § 1557

Defines a **Qualified Interpreter** as an interpreter who:

- \* (1) adheres to generally accepted interpreter **ethics** principles, including client confidentiality;
- \* (2) has **demonstrated proficiency** in speaking and understanding both spoken English and at least one other spoken language; and
- \* (3) **is able to interpret** effectively, accurately, and impartially, both receptively and expressively, to and from such language(s) and English, using any necessary specialized vocabulary, terminology and phraseology

## WHO CAN SERVE AS AN INTERPRETER?

- Trained bilingual staff (other primary tasks with interpreter duties as adjunct)
- Staff interpreters (employees of the organization with specific interpreter duties only)
- Contract interpreters (non-employee contractors paid by the encounter, on-call basis)
- Remote interpreters (contracted agency specializing in the provision of interpreter services via phone or video)



## LEAST PREFERRED OPTIONS

- Family or friends
- Minor children
- Untrained volunteers
- Patients/patients waiting in the office

**Bilingualism alone does NOT equal competency  
as an interpreter**

# MODES OF INTERPRETING

- Consecutive
- Simultaneous
- Summarization
- Sight translation
  - Read document thoroughly before interpreting
  - Look up unfamiliar terminology
  - Render the message in a moderate, steady pace

# CODE OF ETHICS

1. Confidentiality
2. Accuracy
3. Role Boundaries
4. Professionalism
5. Cultural Awareness
6. Respect
7. Impartiality
8. Professional Development
9. Advocacy

# POSITIONING

- The triangle
- Behind the service provider
- Behind the client/patient

# PROFESSIONAL INTRODUCTION

- Name
- I will be interpreting everything that is said
- I'll keep everything confidential
- Please speak directly to each other, not to me
- Please pause when I make this sign to let me interpret

# INTERVENTIONS

- "The interpreter would like to ask for clarification"
- Interpret into the other language
- Ask for clarification
- Interpret into the other language

**NEVER FORGET TRANSPARENCY!!!**

CULTURE AND  
COMMUNICATION  
(ARE INTERPRETERS EXPERTS?)

WHAT IS CULTURE?



# CULTURAL MEDIATION

# RISK OF NOT COMPLYING WITH TITLE VI

Potential liability when language services are not provided:

- Patient unable to access eligible services or programs
- Patient unable to exercise important rights including Informed Consent and Advance Directives
- Patient unable to comply with provider requirements and requests

## RISKS (CONTINUED)

- Longer “contact” times equals ineffective time management; productivity is affected
- Frustration on both sides: impairs relationship building with patients and their community, decreases credibility of programs/staff
- Lost opportunities to outreach on important health issues affecting LEP communities
- Incurring “hidden” costs due to unnecessary testing and diagnostics, over-prescribing, repeat visits, etc.

# THE ROLE OF THE PRACTITIONER

# AVOIDING RISK: LANGUAGE ACCESS PLAN

## Components of an Effective Language Access Program

**1**

### IDENTIFY POPULATIONS

regularly using data to identify populations & their needs



**2**

### ASSESS SERVICES & NEEDS

determine language needs as compared to available services & resources



**3**

### PLAN A PROGRAM

create a plan and policies; identify funding & coordinate community resources & professional expertise



**4**

### DELIVER SERVICES

provide measurable and consistent services that are accessible, timely, and qualified



**5**

### MONITOR & ADAPT SERVICES

review data to evaluate effectiveness; anticipate needs & allocate resources



## AVOIDING RISK: FOUR-FACTOR ANALYSIS

An individualized assessment that balances the following four factors:

1. Number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee;
2. Frequency with which LEP individuals come in contact with the program;
3. Nature and importance of the program, activity, or service provided by the program to people's lives; and
4. Resources available to the grantee/recipient and costs.



Language Access Assessment and Planning Tool for  
Federally Conducted and Federally Assisted Programs  
Federal Coordination and Compliance Section Civil  
Rights Division

U.S. Department of Justice

May 2011

[https://www.lep.gov/resources/2011\\_Language\\_Access\\_Assessment\\_and\\_Planning\\_Tool.pdf](https://www.lep.gov/resources/2011_Language_Access_Assessment_and_Planning_Tool.pdf)

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# ROLE PLAYING EXERCISES



REFLECTION

# FIND AN INTERPRETER



## **Limited English Proficiency Federal Interagency Website**

- \* Regional and State Interpreter Associations
- \* Language Service Companies

[www.lep.gov](http://www.lep.gov)

## RESOURCES

- \* Families USA, Minority Health Newsletter  
[www.familiesUSA.org](http://www.familiesUSA.org)
- \* Limited English Proficiency Federal Interagency Website -  
[www.lep.gov](http://www.lep.gov)
- \* Migration Policy Institute – [www.migrationpolicy.org](http://www.migrationpolicy.org)
- \* National Council on Interpreting in Health Care (NCIHC) –  
[www.ncihc.org](http://www.ncihc.org)
- \* National Health Law Program - [www.healthlaw.org](http://www.healthlaw.org)
- \* The Language Portal -  
[www.migrationinformation.org/integration/language\\_portal](http://www.migrationinformation.org/integration/language_portal)