# Language Access Services in Health Care Settings

Federal and State laws prohibit national origin discrimination against limited english proficient (LEP) individuals when they are provided health care services. New York also has specific protections for LEP individuals that require language interpreters in hospital settings. There are many resources that describe the obligations of health care facilities and the importance of language services and assuring cultural competency when providing health services. For a list of resources, visit the Health Care Services portion of the Language Access Resource Center on the Empire Justice Center's website.

## Federal Health Protections

In January 1998, the Department of Health of Human Services (HHS) Office of Civil Rights (OCR) issued a memorandum entitled "Title VI Prohibition Against National Origin Discrimination, Persons with Limited-English Proficiency" 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)."

HHS federal regulations also require all recipients of federal financial assistance from HHS to provide meaningful access to LEP persons. *See* 45 C.F.R. Â§ 80.3(b)(2). Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance. Recipients of HHS assistance may include, for example:

- Hospitals, nursing homes, home health agencies, and managed care organizations.
- Universities and other entities with health or social service research programs.
- State, county, and local health agencies.
- State Medicaid agencies.
- State, county and local welfare agencies.
- Programs for families, youth, and children.
- Head Start programs.
- Public and private contractors, subcontractors and vendors.
- Physicians and other providers who receive Federal financial assistance

The 2000 HHS LEP Guidance describes the obligations of programs that receive Federal financial assistance to provide language assistance services to LEP individuals. HHS issued their most recent LEP Guidance in 2003. The Guidance discusses the use of interpreters, and determining qualified interpreters in health care settings.

You can find several interpreter guides for hospitals and patients, as well as forms used to file a discrimination complaint with HHS among the resources listed on the Language Access Resources Center webpage of the Empire Justice Center's website.

## New York State Department of Health Requirements

The New York State Department of Health (DOH) implemented a new regulation in September 2006 that sets standards for hospitals' communication with limited-English-proficient individuals (LEP). 10 N.Y.C.R.R. Â§ 405.7(a)(7).

The regulation makes it clear that every limited-English-proficient patient has a right to meaningful access to a hospital's services; requires every hospital to develop a language assistance program and designate a language assistance coordinator; requires hospitals to identify and document each patient's language of preference and the acceptance or refusal of language assistance services; sets clear limits on the use of friends, strangers, and family members as interpreters, including age restrictions; and so forth.

The New York State Attorney General has investigated complaints about language access services and reached agreements with two hospitals in Utica, New York in order to remedy deficiencies: Resolution Agreement with Faxton St. Luke's Hospital and Resolution Agreement with St. Elizabeth Hospital.

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