

Jane Perkins, Mara Youdelman, Doreena Wong, August 2003

Price:

\$65 for nonprofit advocacy organizations

\$100 for for-profit companies, government agencies, and universities

This comprehensive manual (a revision of the 1998 original) shows advocates and providers how to overcome language barriers to obtain appropriate medical care for their clients. It outlines language access responsibilities under federal and state law, as well as in the private sector, and offers recommendations for addressing identified problems.

Over 46 million people (more than 17 percent of the United States population) speak a language other than English at home. It is critical that the growing numbers of limited English proficient (LEP) residents be able to communicate with their health care providers. Accurate communication ensures the correct exchange of information, allows patients to provide informed consent for treatment, and avoids breaches of patient-provider confidentiality.

This manual is designed to assist advocates, policy makers, and providers in understanding the current status of language access and the legal protections that govern it. Baseline facts, checklists, and legal/policy recommendations are highlighted throughout. The manual is organized as follows:

- Section I offers background information on the scope of the problem.
- Section II discusses federal requirements for linguistic access, including Title VI of the Civil Rights Act of 1964, Hill-Burton obligations, Medicaid and Medicare requirements, the Emergency Treatment and Active Labor Act, and provisions of the United States Constitution.
- Section III describes state law requirements, including state statutes and regulations that require translation services in health care settings and court decisions that have assessed obligations from the perspective of potential tort liability.

□ Section IV looks at activities by the managed care organizations, in particular those participating in managed care programs offered by Medicaid and State Children's Health Insurance Programs.

□ Section V examines the language-oriented recommendations of private entities that license and accredit health care providers, such as hospitals and managed care organizations.

□ Section VI assesses programs and activities underway to improve access to competent interpreter services in health care settings.

□ Section VII offers recommendations for addressing the identified problems.

To order a copy of *Ensuring Linguistic Access in Health Care Settings*, contact our Los Angeles office at (310) 204-6010 or

nhelp@healthlaw.org

.