



## Massachusetts

Type*	Provision(s)	Description
CHI, MEN	Mass. Gen. Laws Ann. ch. 71B, § 7	For children with special needs, no results of standardized or local tests may be used exclusively in the selection of children for referral, diagnosis, or evaluation. Such tests shall be approved by the department to insure that they are as free as possible from cultural and linguistic bias or, wherever necessary, separately evaluated with reference to the linguistic and cultural groups to which the child belongs.
HOS	Mass. Gen. Laws Ann. ch. 111, § 25J(a) – (e); ch. 123, § 23A(b)	Every acute care hospital shall provide competent interpreter services in connection with all emergency room services provided to every non-English speaker who is a patient or who seeks appropriate emergency care or treatment. Receipt of interpreter services shall not be deemed a “public benefit” under provisions restricting benefits on the basis of immigrant status. Any non-English speaker denied emergency health care services because interpreter services are unavailable may bring a civil action without exhausting administrative remedies.
AGY	Mass. Gen. Laws Ann. ch. 118E, § 56(b)(6)(vi)	The Medicaid Health Safety Net Office, in administering the Essential Community Provider Trust Fund to improve and enhance the ability of acute hospitals and community health centers to serve populations in need more efficiently and effectively, shall consider the cultural and linguistic challenges presented by the populations served by the provider.
AGY, PAY	Mass. Gen. Laws Ann. ch. 118G, § 7	In determining rates to be paid by governmental units to acute-care hospitals and any hospital or separate unit of a hospital that provides acute psychiatric services, the executive office shall include as an operating expense the reasonable cost of providing competent interpreter services.
AGY, PAY	Mass. Gen. Laws Ann. ch. 118G, § 11	All rates of payment to acute hospitals and non-acute hospitals under Medicaid shall be established by contract between the provider of such hospital services and the division of medical assistance and shall include reimbursement for the reasonable cost of providing competent interpreter services.
AGY, TRA	Mass. Gen. Laws Ann. ch. 118G, § 18B(k)	The Department shall promulgate a standard written notice form to be made available to health care providers in English and foreign languages regarding the criminal penalties for committing fraud in connection with receipt of uncompensated care pool services.
RGT, MEN, MFA	Mass. Gen. Laws Ann. ch. 123, § 23(e)	A notice of rights of persons receiving services from any program or facility operated by, licensed by or contracting with the Department of Mental Health (including state hospitals, community mental health centers, residential programs or inpatient facilities) must be in language understandable by such persons and translated for any such person who cannot read or understand English.
INS	Mass. Gen. Laws Ann. ch. 176O, §§ 6(a)(10), (b)(9), 15(k)	Health insurance carriers (including vision and dental carriers) must provide a statement detailing what translator and interpretation services are available to assist insureds; provided, that the commissioner shall determine in which languages other than English such statement shall be printed. And carriers shall provide insureds, upon request, interpreter and translation services related to administrative procedures.
AGY	Mass. Gen. Laws Ann. Spec. L. ch. 570, § 1(b)	The Boston Public Health Act in creating a new medical center, has as part of its mission serving both urban and suburban communities in a culturally and linguistically competent manner that strives to meet the current and changing health care needs of people of all races, languages, cultures and economic classes.
AGY, MEN	104 Mass. Code Regs. 27.03(15)	The Department shall conduct annual inspections of mental health facilities granted deemed status to determine their compliance with and interpreter services.
MEN, MFA	104 Mass. Code Regs. 27.12(5)(g)(7)(B)	Regarding use of restraints, a mental health facility medical director shall take steps to identify and implement strategies to facilitate release as soon as possible and/or eliminate the use of multiple episodes, such as assistance with communication, including interpreter services.

\* Codes are available at the end of the document.

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MEN, HOS, MFA, FAM	104 Mass. Code Regs. 27.18	Each Department of Mental Health-operated hospital, community mental health center with inpatient unit, psychiatric unit within a public health hospital, Department-licensed psychiatric hospital and Department-licensed psychiatric unit within a general hospital shall make interpreter services available 24 hours a day, seven days a week. A facility may use reasonable judgment as to whether to employ or contract for competent interpreter services. The facility shall not require, suggest, or encourage use of family members or friends as interpreters.
WOM	105 Mass. Code Regs. 127.021	As a condition of licensing, mammography facilities must provide information about patients' rights, the mammography examination, and breast self-examination to patients. The official commentary to this regulation states that facilities that serve linguistically diverse patients should use reasonable means to communicate the required information to patients who are not proficient in reading English.
INS	105 Mass. Code Regs. 128.510	Health insurance carriers shall provide insureds, upon request, interpreter and translation services related to a carrier's administrative procedures.
HOS	105 Mass. Code Regs. 130.020	Definitions for hospital licensure include "non English speaker" – a person who cannot speak or understand, or has difficulty speaking or understanding English, because the speaker primarily or only uses a spoken language other than English.
HOS	105 Mass. Code Regs. 130.343(E)	For hospital discharge planning for non-English speaking patients, the hospital shall provide translation assistance to assist the patient and/or as appropriate the family/patient representative in understanding the discharge plan.
EIS	105 Mass. Code Regs. 130.615(C), (E), (F)	Maternal-newborn service must make available health education materials and activities in languages identified through the hospital's language needs assessment and must have interpreter services available to ensure that families who speak these languages receive ongoing information about the condition and progress of the mother and infant. Culturally and linguistically appropriate nutritional consultation shall be available for mothers and infants.
EIS	105 Mass. Code Regs. 130.616(F)(6)(g)	Maternal-newborn service at hospitals licensed nursing staff must receive orientation and periodic in-service education related to the current best practices for maternal and newborn care including training or documented skill in family-centered care that is culturally and linguistically appropriate.
EIS, HOS, XXX	105 Mass. Code Regs. 130.629 (B)(1)(a-c)	Hospitals and birth centers shall include information on the importance of newborn hearing screening and follow-up in materials distributed to parents or guardians. The information will be readily available in the major languages identified through the hospital's language needs assessment. Translation of the information in lesser-used languages will be provided no later than discharge, but ideally prior to screening.
HOS	105 Mass. Code Regs. 130.1101-130.1108	Emergency Room Interpreter Law – to meet licensing standards, acute care hospitals will provide no-cost interpretation in connection with all emergency department services. Interpretation minimally available on an on-call basis 24 hours a day, seven days a week. Written procedures for timely and effective telephone communication with non-English speaking patients shall be established. Each acute care hospital shall develop written policies and procedures, that govern the provision of interpreter services and which include the qualifications for a coordinator of interpreter services. Hospitals should be discouraged from using family members and friends and are prohibited from using minor children.



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HOS, TRA	105 Mass. Code Regs. 131.116	Acute hospitals shall translate certain notices into a language or languages other than English if such language or languages are spoken by at least 10% of the residents of the hospital's service area. Acute hospitals shall post said translated notices in the admitting areas, main lobbies, emergency rooms, outpatient departments, and in all major public areas on each floor of the hospital including but not limited to lounge areas, areas opposite points of access, and elevator areas and shall distribute copies of the translated individual notices through the admitting office and emergency room prior to or at the time of admission and copies of individual notices shall be made available in outpatient departments by leaving a sufficient number in waiting areas and in receiving areas.
HIV	105 Mass. Code Regs. 150.004, 150.001	Skilled nursing facilities for AIDS patients must provide access to sufficient bilingual services to meet the cultural and language needs of non-English speaking residents. Facilities must have a responsible person who has the ability to communicate orally and in writing in English and the primary language used by patients and residents of a facility.
PUB	105 Mass. Code Regs. 365.200(C)(5)	Case management for tuberculosis must include an assessment of whether there are factors which affect adherence with therapy including language barriers and cultural beliefs.
MEN, MFA	114.2 Mass. Code Regs. 4.02	Resident care facilities definitions include "responsible person" – a person 21 years of age or older who has the ability to communicate orally and in writing in English, or the primary language used by Residents of the facility, and who will make mature and accurate judgments regarding the care needs of the residents.
CHC	114.3 Mass. Code Regs. 4.02	For community health centers' rates, supportive services includes translation services.
HHC	114.3 Mass. Code Regs. 50.07(1)	Home health agency may apply for a change in rates due to costs associated with providing interpreter services.
HOS, CHC, TRA	114.6 Mass. Code Regs. 10.08(1)(c), 12.08(1)(e)	Hospitals and Community Health Centers must conspicuously post signs that inform patients of the availability of free care and other programs of public assistance to patients. All signs shall be translated into language(s) other than English if such language(s) is primarily spoken by 10 percent or more of the residents in the Hospital's or Community Health Center's service area.
AGY	115 Mass. Code Regs. 4.03(2)(c)	Requiring Department of Mental Retardation to write individual records in English, with second language translation (or availability of interpreter services) where necessary for the individual.
AGY	115 Mass. Code Regs. 6.22 (2)(a)	Department of Mental Retardation assessments and consultations shall reflect consideration of the individual's cultural, ethnic, and linguistic background.
RGT	115 Mass. Code Regs. 9.04(2)	All Department of Mental Retardation providers shall provide to all individuals served an initial and subsequent, annual training on when and how to file a complaint or obtain assistance including the use of alternative means of communication where the individual is unable to communicate without assistance or an interpreter.
AGY, MEN	115 Mass. Code Regs. 9.12(1)(a)	The Department of Mental Retardation Human Rights Committee shall use its best effort to see that an individual determined in his or her latest ISP to be unable to communicate without assistance or an interpreter, who is involved in a complaint is represented by an independent attorney or advocate, if necessary or appropriate, in order to ensure that his or her interests are adequately protected.
MED, CHC	130 Mass. Code Regs. 405.414	Division of Medical Assistance rule requiring Community Health Centers to employ at least one practitioner or translator conversant in the primary language of each substantial population (10 percent or more of the total member population) of non-English speaking members that regularly uses the CHC.



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MED, STA, CON	1130 Mass. Code Regs. 405.429(A)(2)(d), 405.430(B), 410.432(A)(2)(d), 410.433(B), 415.410(A)(2)(d), 415.411(B), 421.439(A)(2)(d), 421.440(B), 423.417(A)(2)(d), 423.418(B), 433.457(A)(2)(d), 443.458(B), 485.407(A)(2)(d), 485.409(B)	For Medicaid payment of sterilization, the person who obtains consent (a physician, nurse, or counselor, for example) must provide an interpreter if the member does not understand the language used on the consent form or the language used by the person obtaining consent. The interpreter must sign the consent form.
MED, MEN	130 Mass. Code Regs. 411.414(C), (D), (F), 429.441(H)(2)(b)-(d)	For Medicaid payments of psychological testing or assessment of brain injury, unless clinically contraindicated due linguistic challenges, intelligence testing must include specific tests. Assessment of brain damage must consist of a battery of procedures in order to determine if a member is organically impaired.
HOS, MFA	130 Mass. Code Regs. 415.419(B)(2)(a), 435.417(D)(2)(a)	For general hospitals and chronic disease or rehabilitation hospitals, the discharge-planning department must maintain up- to-date lists of all licensed nursing facilities within a 25- mile minimum radius of the hospital including the availability of bilingual staff.
WOM	130 Mass. Code Regs. 421.416(B)(4)	Outreach programs for family planning services providers must include 1 of 6 factors, including disseminating information to groups and individuals in the target populations and, to the extent possible, in the native language and in the locality of the populations.
EIS	130 Mass. Code Regs. 440.414(C)	Early intervention program should be responsive to the needs of non-English populations within its service area.
MED	130 Mass. Code Regs. 501.009(I)	Division of Medical Assistance shall inform applicants and members of the availability of interpreter services. Unless the applicant chooses to provide his/her own interpreter services, the Division will provide either telephonic or other interpreter services.
MED, MCO	130 Mass. Code Regs. 508.002(C)(1)(d)	For assigning members to Medicaid managed care plans, the agency assigns a member only if the provider is able to communicate with the member directly or through an interpreter, unless there is no medical care available in the member's service area that meets this requirement.
MED, AGY	130 Mass. Code Regs. 515.001, 515.007(I)	The Medicaid agency will inform applicants and members of the availability of interpreter services. Unless the applicant or member chooses to provide his or her own interpreter services, Medicaid will provide either telephonic or other interpreter services whenever the applicant or member who is seeking assistance has limited English proficiency and requests interpreter services; or the agency determines such services are necessary. Under definitions, "interpreter" is a person who translates for an applicant or member who has limited English proficiency or a hearing impairment and "limited English proficiency" means an inadequate ability to communicate in the English language.



## Massachusetts continued

Type	Provision(s)	Description
MED, HEA	130 Mass. Code Regs. 610.004, 610.016(B), 610.017, 610.084	For Medicaid fair hearings, "interpreter" is a person who translates for the appellant, when the appellant's primary language is not English. The interpreter is sworn to make an impartial and accurate translation of the events occurring at the hearing. When an interpreter also acts as the appellant's appeal representative, the appellant will supply a signed written statement to that effect in both English and, where applicable, in the appellant's primary language. The agency will provide telephonic or, at its option, other interpreter services for an appellant whose English proficiency is limited, unless such appellant provides his or her own interpreter or such appellant knowingly and voluntarily signs a waiver of such services. Copies of a hearing decision will be forwarded to the appellant, the appellant's appeal representative, and the appellant's interpreter (if requested).
MED, HEA	130 Mass. Code Regs. 610.065(A)(9)	A Medicaid hearing officer must inform appellants who are not fluent in English of the right to a full and accurate interpretation by their own interpreter, or by a Division-provided interpreter. The hearing officer shall conduct the bilingual hearing in accordance with the guidelines for conducting hearings through interpretation in the Hearing Officer Manual to enable non-English speaking appellants to understand and to participate in the entire hearing as fully as if the appellants were fluent in English. To achieve this end, all statements, including questions, answers, and comments, of the appellant, hearing officer, witnesses, and any other persons participating in the hearing, shall be fully translated without alteration of such statements, such as by changing from the first person to the third person.
INS, TRA	211 Mass. Code Regs. 52.13(3)(p)	Insurance carriers must deliver, upon enrollment, evidence of coverage which includes a statement detailing what translator and interpretation services are available to assist insureds, including that the carrier will provide, upon request, interpreter and translation services related to administrative procedures. The statement must appear in at least Arabic, Cambodian, Chinese, English, French, Greek, Haitian-Creole, Italian, Lao, Portuguese, Russian and Spanish.
CRD	251 Mass. Code Regs. 1.10(2)(b)	The Board of Registration for Psychologists has adopted as official guides the Guidelines for Providers of Psychological Services to Ethnic, Linguistic, and Culturally Diverse Populations published in 1990 by the American Psychological Association.
HHC	651 Mass. Code Regs. 3.01(2), 3.03(5)	For the home care program, definitions of "at risk" includes elders who are experiencing cultural or linguistic barriers to care; "elder at risk program" is the program providing services to persons age 60 and older who, because of language or cultural barriers, are unable to meet essential needs and can no longer remain safely in the community without assistance. Home care services includes translation/interpreting provided to clients in need of such assistance in order to receive services.
AGY	651 Mass. Code Regs. 15.06(1)(c)	The Prescription Drug Assistance Program shall publicize that assistance with the application process is available to applicants with limited English proficiency.

## Using the State Charts

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The Charts present information for each state along three columns. The first column provides a three-letter code that signifies the subject matter of the law being cited. The second column gives the citation to the provision, and the last column offers a brief summary of the provision. The first column coding is as follows:

### Code Subject Matter

AGY	Government agency requirements (excluding hearings/legal proceedings)
CHC	Community health centers
CHI	Children's health (excluding EPSDT and early intervention)
CON	Consent (e.g. informed consent)
CRD	Credentialing or profiles for health professionals (e.g. nurses' aides testing)
EIS	Early Intervention Services for children and newborn screening
EPS	Medicaid Early and Periodic Screening, Diagnostic and Treatment Services
FAM	Use of family members, friends, children as interpreters
HEA	Hearings/legal proceedings
HHC	Home health agencies, personal care services, and adult day health centers (not related to mental illness/developmental disabilities)
HIV	HIV/AIDS
HOS	Hospitals
INS	Insurance carriers (may include health maintenance organizations)
INT	Interpreter standards/certification/qualifications
LTC	Long-term care, including nursing homes, assisted living (not related to mental illness/developmental disabilities)
MED	Medicaid

### Code Subject Matter

MEN	Services for people with mental health issues or developmental disabilities, including behavioral health services, habilitation services and Independent Living services (not facilities)
MCE	Medicare
MCO	Managed care organization/Prepaid in-patient/ambulatory health plan
MFA	Facilities for mental illness, ICF/MRs, and other facilities for the provision of psychiatric or mental health services
OAA	Services for the elderly or services under the Older Americans Act
PAY	Reimbursement/payments
PRO	Health professions standards/requirements
PUB	Public health
PWD	People with disabilities
RGT	Patient/client rights
STA	Sterilization/abortion
TRA	Translation
UNI	Universal
WOM	Services related to women's health but not abortion/sterilization
XXX	Other