

Language Services in the Pharmacy Setting

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National Health Law Program

- NHeLP is a national, non-profit law firm working on health care access and quality
- With the generous support of The California Endowment, NHeLP began the National Language Access Advocacy Project in 2003

Demographics

- In 2006, the foreign born population comprised 12.5% of the total population, its highest since 1930.
- Over 55 million people speak a language other than English at home (an increase of 8 million since 2000) and 19.6% of the population.
- Over 24 million (8.7 % of the population and an increase of 3 million from 2000) speak English less than “very well,” and may be considered LEP.

Treating LEP Patients

- Given that more than 4 billion Rx are written every year and that 8.7% of Americans are LEP, millions of Rx are written each year for LEP patients.
- In a hospital study of uninsured patients, 27% of LEP patients who needed but did not get an interpreter did not understand Rx instructions, compared with 2% of English-speakers and 2% of LEP who needed and received an interpreter

Rx Medical Errors

- A 10-month-old girl with iron-deficiency anemia experienced a 12.5-fold overdose of iron and was hospitalized for iron intoxication after her LEP parents were given medication instructions and a prescription only in English. When asked in Spanish, the parents reported giving 15 mL of iron elixir based on the prescription label that read: “15 mg per 0.6 mL, 1.2 mL daily.”
- A 6-week-old infant was admitted for a barbiturate overdose caused by a 10-fold medication dosing error by an LEP mother who did not understand the outpatient dosing instructions available only in English.

Title VI of the Civil Rights Act of 1964

- “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” 42 U.S.C. § 2000d
- “National origin” includes individuals with limited English proficiency (LEP)

What does Title VI Require?

- Longstanding expectation that LEP individuals must have meaningful access to federally funded programs & activities, including pharmacies (stand-alone and co-located)
- 2003 – HHS Office for Civil Rights issued final guidance explaining expectations for its federal fund recipients

What Are “Covered Entities” Prohibited From Doing?

- Providing services more limited in scope or lower in quality
- Delaying the delivery of services unreasonably
- Limiting participation in a program
- Requiring LEP persons to provide their own interpreters or pay for interpreters

Translation of Materials

- Nothing in federal or state law prohibits the translation of prescription drug labels, instructions or inserts
 - While federal law requires certain information to be on the label in English, it takes a permissive approach and allows, but does not require, the inclusion of other languages on the prescription drug label

State Pharmacy Law

- NHeLP will be commissioning a 50-state survey of pharmacy law to identify other relevant laws – expected Fall 2008
- Examples:
 - NY pharmacy regulations include a counseling requirement for dispensing prescriptions to new pharmacy patients or dispense new medications to current patients and a pharmacist can't comply if language services are not provided
 - MA, RI and NY require hospitals to provide language services – a pharmacy located in a hospital would be subject to these laws

Sources

National Health Law Program publications –

- *Language Services in Pharmacies: What is Required?*, [http://www.healthlaw.org/library/folder.185241-April 2008 Webinar The Language of Drugs Pharmacies and Language Access](http://www.healthlaw.org/library/folder.185241-April%202008%20Webinar%20The%20Language%20of%20Drugs%20Pharmacies%20and%20Language%20Access)
- *Summary of State Law Requirements Addressing Language Needs in Health Care*, <http://www.healthlaw.org/library/item.174993>

D. Andrulis, et. al., *What a Difference an Interpreter Can Make*, The Access Project (2002), <http://www.accessproject.org>

U.S. Census Bureau, 2006 American Community Survey data

Office for Civil Rights, *Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons*, 68 Fed. Reg. 47311 (August 8, 2003), <http://www.hhs.gov/ocr/lep/>.

Office of Minority Health, *National Standards on Culturally and Linguistically Appropriate Services in Health Care*, 65 Fed. Reg. 80865 (December 22, 2000), <http://www.omhrc.gov/clas>