

# Language Access: Title VI and §1557 of the Affordable Care Act





## Scenario

A monolingual Vietnamese speaking Mom is concerned about her daughter Sonia's vision. Sonia is bilingual English/Vietnamese. Sonia is 12 years old. Mom is given a referral to an eye clinic by daughter's primary care provider. Mom calls the Eye Clinic and states, "Hello, Vietnamese please." The Eye Clinic's receptionist responds, "Oh, sorry we don't have anyone that speaks Vietnamese." Mom repeats, "Vietnamese please." Eye Clinic hangs up. Mom, asks Sally, a friend, to help her call Eye Clinic to make an appointment. Sally calls Eye Clinic and explains that she is calling for Mom who needs an appointment for Sonia. Eye Clinic says that they can see Sonia at 2:00 p.m., on Friday. Sally tells Eye Clinic that mom will need an interpreter. Eye clinic states that daughter's Electronic Medical Record indicates that Sonia speaks English so everything should be fine. Sally says o.k.

- **Please identify any concerns?**

## Scenario Continued

Mom takes daughter to the eye appointment. Mom waits in the waiting room and daughter has the eye appointment. Daughter comes out and says, “I’m good mom. Let’s go.”

- What if I tell you that the 12 year old has autism.
- Eye doctor is unaware of this developmental delay.
- Mom can’t communicate this.
- What if I tell you that Mom is very concerned because she has a history of blindness in her family. Mom’s brother, father and aunt all went blind.
- Mom has not spoken to her 12 year old about this family history because she doesn’t want to scare her daughter.

# From the front desk to the boardroom

## Train staff to understand the importance of language access

- Who do you serve and who could you be serving?
- Communication is key to the healthcare delivery system
- Incorporate into your Strategic Plan +Language Access Plan + Equity Plan
- Remember Better Health, Better Care, Lower Costs
- Reduces Risk/Regulatory Responsibilities
- Remember Title VI and 1557 allow for individuals to file a complaint:
  - in court for compensatory damages
  - US HHS OCR investigation resulting in consent decree, fines, or cuts for noncompliance
  - OHA resulting in technical support & consultation, remedial action notices, potential contract termination
  - BOLI investigation

*All staff should understand the potential consequences of noncompliance and be well trained in accessing an interpreter quickly and efficiently.*

# Quick Overview on 1557 & Language Access

## Mandates

- Posting Notices of Nondiscrimination and signage explaining the availability of language services in the state's top 15 non-English languages
- Using "qualified interpreters"

## Grants

- Individuals a private cause of action to sue covered entities that violate 1557
- A patient's family, spouse, or partner access to an interpreter even if the patient does not need one

## Prohibits

- Minor children from interpreting except in limited emergency situations
- Adult family/friends from interpreting except in limited emergency situations or the patient specifically requests it
- Healthcare staff from interpreting unless they are qualified and interpreting is an official job duty except in limited emergency situations

## Requires

- Language access parity for individuals with disabilities
- Provision of meaningful access to each individual with limited LEP eligible to be served or likely to be encountered
- Standards for **all** video remote interpretation to comply with those set for ASL VRI in the ADA

# Qualified Interpreters

Oregon

Individuals who is readily able to:

- (a) Communicate with a person with Limited English Proficiency(LEP)
- (b) Accurately interpret the oral statements of a person with LEP or the statements of a person who communicates in sign language into English.
- (c) Sight translate documents from a person with LEP.
- (d) Interpret the oral statements of other persons into the language of the person with LEP or into sign language.
- (e) Sight translate documents from English into the language of the person with LEP (ORS 413.550).

ACA §  
1557

**For an individual with a Disability:** interpreter who via a remote interpreting service or an onsite appearance adheres to generally accepted interpreter ethics principles, including client confidentiality and is able to interpret effectively, accurately and impartially both receptively and expressively using any necessary specialized vocabulary terminology and phraseology.

**For an individual with LEP:** interpreter who via a remote interpreting service or an onsite appearance adheres to generally accepted interpreter ethics principles, including client confidentiality; has demonstrated proficiency in speaking and understanding both spoken English and at least one other spoken language; and is able to interpret effectively, accurately, and impartially, both receptively and expressly, to and from such languages and English, using any necessary specialized vocabulary, terminology and phraseology.

**Providers must meet the requirements of both state and federal laws.**



# Spoken Languages

## Certification

- At least 18 years with ID
- High school diploma or GED
- Complete 60 hours of HCI training from an OHA approved training
- **Pass a national certification exam (written and oral)**
- Pass a background check
- 30 hours of documented interpreting experience
- Medicaid exclusion list(<http://exclusions.oig.hhs.gov>).
- National code of ethics and National Standards of Practice for Interpreters in Health Care

## Qualification

- Same
- Same
- Same
- **Proof of language proficiency (English and second language)**
- Same
- 15 hours of documented interpreting experience
- Same (<http://exclusions.oig.hhs.gov>).
- National code of ethics and National Standards of Practice for Interpreters in Health Care



# Sign Language

## Certification

- At least 18 years with ID
- High school diploma or GED
- Complete 60 hours of HCI training from an OHA approved training
- **Pass the Registry of Interpreters for the Deaf (RID) certification exam**
- Pass a background check
- 30 hours of documented interpreting experience
- Medicaid exclusion list(<http://exclusions.oig.hhs.gov>).
- Abide by the RID and National Standards of Practice for Interpreters in Health Care code of ethics

## Qualification

- Same
- Same
- Not required
- **Pass the Registry of Interpreters for the Deaf (RID) certification exam**
- Same
- 15 hours of documented interpreting experience
- Same (<http://exclusions.oig.hhs.gov>).
- Abide by the RID and National Standards of Practice for Interpreters in Health Care code of ethics

***Note: RID certification is required for HCI certification or qualification.***

# OHA Approved HCI Training Programs

- Anderson Interpreting Service
- Culture Advantage, Medical Interpreter Training
- Gaucha TI, The Community Interpreter - International - Medical, a Language Neutral Course
- Interpreters Associates Inc. Online Medical Interpreter Certificate Program
- Immigrant and Refugee Community Organization (IRCO)
- Language Line Academy, Medical Interpreter Training Program
- Linfield College Online Spanish Medical Interpreter Training Program
- LinguaCulture Connections
- Linguistics Global Associates | NICHC-Core Medical Interpreter Training™ Program
- Oregon AHEC Spanish Health Care Interpreter Training
- Oregon Health Care Interpreters Association (OHCIA), Health Care Interpreters Training Program
- One New Voice Associates LLC
- Svetlana's Training for Interpreters
- The Cross-Cultural Health Care Program, Bridging the Gap Training Program for Medical Interpreters


# Interpreter Survey

**Who:** Medicaid medical providers in Oregon

**What:** The Oregon Health Authority's Office of Equity and Inclusion (OHA-OEI) is inviting **providers in Oregon** to provide feedback on healthcare interpretation.

**Why:** Providers are important stakeholders. Their feedback would help us identify and address existing gaps in the quality of healthcare interpretation, the professional conduct of interpreters, and the availability and use of interpreters across health systems in the state.

**When:** The survey will close on **November 16th, 2018** and can be completed in about 10 minutes

**Where:**  (<http://www.surveygizmo.com/s3/3655251/Experience-with-Interpreting-Services-Survey>).

OHA-OEI website: (<https://www.oregon.gov/OHA/oei/pages/index.aspx>).

**For questions, please contact:**

Kweku Wilson: ([hci.program@state.or.us](mailto:hci.program@state.or.us))

Phone (971) 673-3328

## Contact Information

- Mavel Morales  
ADA Coordinator/Civil Rights Investigator  
971-673-2000  
[mavel.morales@state.or.us](mailto:mavel.morales@state.or.us)
- Kweku Wilson  
HCI Program Coordinator/Research Analyst  
[kweku.wilson@state.or.us](mailto:kweku.wilson@state.or.us)