

Language Access

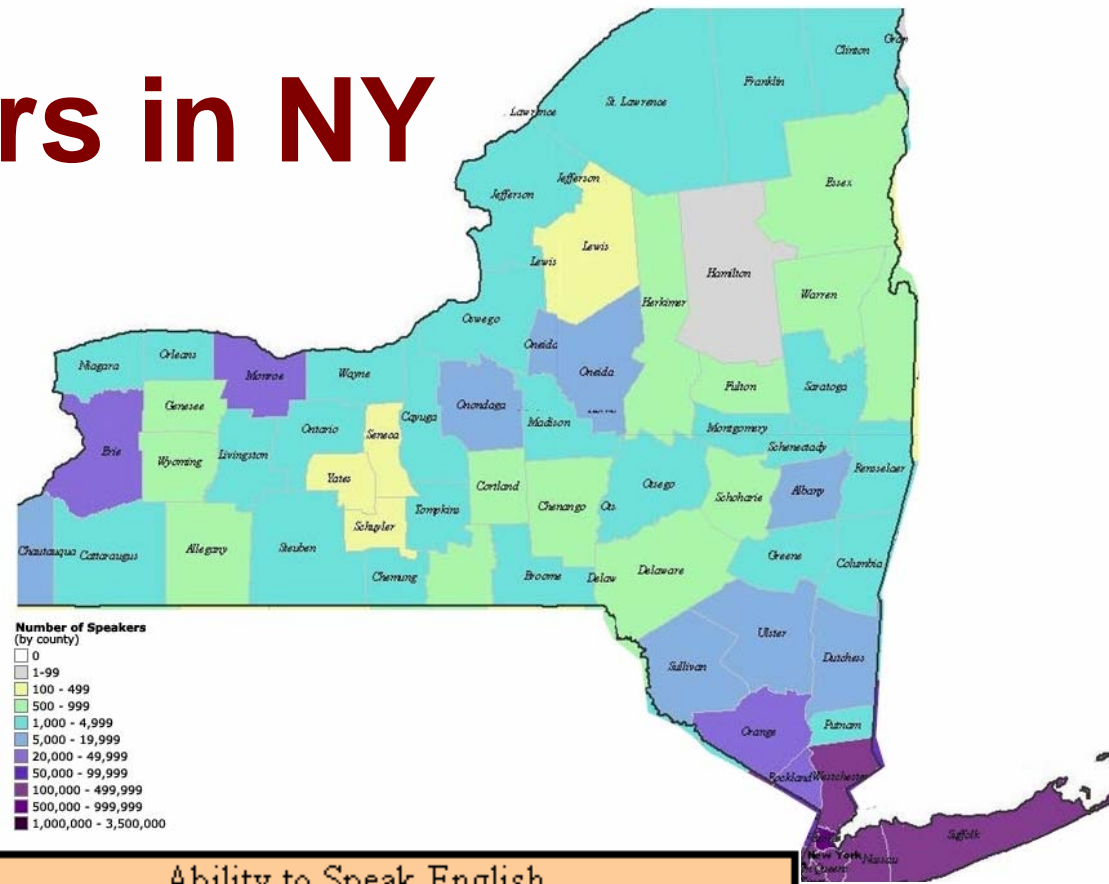
The Rights of Limited English Proficient (LEP) Patients in New York State

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Part I: Overview of LEP

- **Language access-** the right of Limited English Proficient (LEP) individuals to receive meaningful access to federally funded “recipient” programs and services
- **LEP-** individuals who do not speak English as their primary language and have a limited ability to read, speak, write, or understand English
- **New York-** 4th largest LEP population in the US
 - 4.9 million speak a language other than English at home
 - 2.4 million are Spanish-speaking

Spanish-Speakers in NY



Rochester LEP	
Language	Total
English	166,645
Total LEP	36,083
Spanish or Spanish Creole	22,336

Top LEP Languages Spoken in Monroe County	Total	Percent	Ability to Speak English	
			“well” or “very well”	“not well” or “not at all”
Spanish	31,955	4.64%	26,500	5,455
Italian	9,895	1.43%	8,700	1,195
German	3,970	0.57%	3,780	190
French	3,555	0.51%	3,240	315
Ukrainian	3,260	0.47%	2,420	840
Chinese	2,985	0.43%	2,600	385
Russian	2,405	0.34%	1,835	570
Total	58,025		49,075	8,950

Part II: Federal Protections

- **Title VI of the Civil Rights Act of 1964** prohibits national origin discrimination by recipients of federal funding
- **Executive Order 13166 (2000)** Prohibits recipients of federal financial assistance from discriminating based on national origin by, failing to provide meaningful access to LEP individuals
- **Department of Justice LEP Guidance** clarified recipient obligations to LEP individuals.

Health Care Providers

- **Federal assistance includes Medicare, Medicaid, and grants to:**
 - Hospitals, nursing homes, home health agencies
 - Universities and entities with health research programs
 - State, county, and local health agencies
 - State Medicaid agencies
 - Physicians and other medical providers

- **2003 US Department of Health and Human Services (HHS) LEP Guidance**
 - Recipients must provide meaningful access to LEP patients
 - Meaningful access determined using the “Four Factor Test”
 - Interpreters, translations, language access plans

Part III: NY LEP Patient Laws

- **2006 New York State Department of Health (DOH) hospital interpreter regulation:**
 - Each hospital must develop a language assistance program with a Language Access Coordinator
 - Language appropriate signage describing how to receive language services
 - Patient records include their language preference
 - Family and friends can only be used if the LEP patient refuses free interpreter services
 - Minors can interpreter only in emergencies

OMH /OMRDD Regulation

- **New York State Office of Mental Health (OMH) facilities:**
 - must take necessary steps to provide information in appropriate languages to LEP individuals
 - must provide interpreters in a timely manner
 - must insure interpreters are sufficiently competent
 - cannot charge the LEP individual for interpreter services
 - will only use family members as interpreters if clinically appropriate, and the recipient has been informed of their option to use a free OMH interpreter

- **OMRDD- Same requirements**

Best Practice Materials

- **Hospitals, Language, and Culture: A Snapshot of the Nation**, Chapter 8, pg.54-59, Joint Commission
 - **The Joint Commission Related Resources**
- **Language proficiency and adverse events in US Hospitals: a pilot study**, International Journal for Quality in Health Care, February 2007
- **Official Guide to Limited English Proficient (LEP) patient care**, American Medical Association
- **Use of Language Services for Families with Limited English Proficiency**, Pediatrics, March 2007

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