

Are Hospitals Required to Provide Language Access Services?



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Introduction

You are reading this article because you are not sure that you may have to provide language access services for your patients, *right?*

You are not the only one, as this is very important topic that is often clouded in confusion. To provide an expert answer, I reached out to the **National Health Law Program (NHeLP)** for assistance.

The staff at NHeLP did a great job clarifying the requirements for us in very simple terms.

Language access services are generally provided with the help of professional interpreters and translators.

For the purpose of this article, I will assume that you are a health care provider fitting one of the following four categories:

1. You provide language access services for your patients, but are unsure if you are required to do so.
2. You don't provide language access services for your patients, but understand you may be required to do so.
3. You didn't provide language access services for a patient and are being threatened with legal action.
4. A law suit has been filed against your practice for failure to provide language access services by, or on behalf, of the patient.

Regardless of which category fits you, the information below should help clarify your responsibility to provide language access services for your patients.

Unless of course you fall into category 4. If that's the case, contact your attorney as soon as possible.

Are hospitals required to provide language access services?

Yes.

Here is why.

Under Title VI of the Civil Rights Act of 1964, discrimination on the basis of race, color or national origin is prohibited.

Therefore, health care providers, including hospitals, that receive federal funding, including Medicare, Medicaid and SCHIP, are required to provide language access services for their patients.

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What if health care providers opt out of federal funding?

When federal funds are not in question, health care providers may not be subject to Title VI requirements. However, there may be state laws that require you to provide language access services.

Can health care providers bill the patient for language access services?

No. If you are receiving federal funding, you are required to cover interpreter costs for all your limited English proficient (LEP) patients, including those with private insurance and no insurance.

State laws may also prohibit you from billing your patients for language access services.

What health care entities are covered under Title VI?

The entities covered by Title VI include hospitals, doctor's offices, nursing homes, managed care organizations, state Medicaid agencies, home health agencies, health service providers and social service organizations.

How can health care organizations provide language access services to patients?

Health care providers may choose to hire staff interpreters as employees to interpret the most frequently requested languages. Many health care providers typically contract with language service companies to provide language access services.

A language services company can greatly streamline the process by providing scheduling, quality assurance, billing and project management.

What types of language access services should health care providers have readily available to patients?

At a minimum, it is recommended that all health care providers be able to provide on-site interpretation, over-the-phone interpretation and document translation services.

Can health providers use family members, friends or bi-lingual staff to interpret for patients?

It is strongly advised against using family members, friends or bi-lingual staff members to interpret for patients. You could risk malpractice, the cost of which would far outweigh any money you might save by asking friends or family members to help.

In fact, your legal fees in dealing with just one malpractice lawsuit could potentially cover your language access services budget for several years to come.

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What about written translation services for patient communication?

According to U.S. Department of Health and Human Services Office for Civil Rights, various types of documents may require translation from English into other languages.

Some of the documents include patient forms, discharge instructions and information about the availability of interpreter services.

I'd like more information on developing a Language Access Plan for our health care organization.

For more information, check out these publications:

- What's in a Word: A Guide to Understanding Interpreting and Translation in Health Care (full Guide)
- Compliance Review Initiative: Advancing Effective Communication In Critical Access Hospitals

Conclusion

Dozens of law suits are filed every year against health care facilities for failing to provide language access services.

My advice to you is to set aside a budget for language access services and deliver the best patient experience you can. It will cost you less in the long run.