

## Ethical Point of Departure

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Positive relationships among patients, families and health care providers comes about through quality communication. Adequate understanding is the foundation on which diagnosis and care are provided. The ethical goal, which should never be compromised, is the **free and informed consent of the patient**. Today, a patient receives healthcare from a team of professional care givers, especially in the setting of the modern acute care hospital. It is essential in this context that interpreter/translation services be available on a timely basis for the many conversations that are necessary to achieve this goal of free and informed consent.

Given that communication is an integral part of the provider/patient relationship, it is critical for healthcare providers to make every reasonable effort to ensure that there is no breakdown in the communication chain. Without effective communication, caring for LEP patients can become laden with opportunity to compromise ethical aspects of the healthcare process.

### **Ethical Considerations for Hospitals**

The health and well being of the patient must be the ultimate priority of the provider. There are times when family members will be instrumental in the treatment and healing process and, therefore, should not be excluded in the communication between patient and provider. [If the person has executed an advance directive in the form of an instructive directive or has designated someone to act as a decision maker in situations where he or she are not able to decide themselves, the advance directive should be honored].

Thoughtful decisions must be made as to how best to maintain the integrity of the patient/provider relationship. Healthcare providers must be sensitive to the delicate balance between protecting the patient confidentiality and being responsive to the value that family and friends can bring to achieving the communication goals. The use of qualified interpreters should always be offered. At a minimum, the qualified interpreter will ensure that miscommunication is avoided. Most important is facilitating the accurate exchange of information to protect the safety of the patient and ensure the delivery of quality healthcare.+

If an LEP patient explicitly declines the offer of interpreter services and requests a friend or family member, the hospital needs to ensure that the patient understands that interpreter services are guaranteed legally and free of charge. The patient should understand that interpreters are trained to understand medical terminology and to provide interpreter services that facilitate the delivery of appropriate and quality healthcare. If the patient continues to request that a friend or family member interpret, the OCR Policy Guidance states that the hospital may proceed, provided the use of such a person does not compromise the effectiveness or confidentiality of the patient, and provided that the offer and the patient's wishes are documented in the patient's file.

Almost every hospital in New Jersey utilizes a telephonic interpreter service that allows for immediate access to services that will facilitate communication between a patient, family members and healthcare providers. Most healthcare providers recognize, however, that having face-to-face communication between individuals can be a far better means of talking with a patient.

Recognizing that patient safety and quality healthcare are of the utmost importance, healthcare providers also should be aware that they may be jeopardizing their hospital from a legal perspective if they do not provide appropriate interpreter services. At the same time, utilizing individuals who do not have experience interpreting in a healthcare setting can potentially jeopardize the health and well being of the patient and place the patient's safety at risk. This can also result in increased healthcare cost, liability and poor health outcomes.