

Interpreter Services for Patients with Limited English Proficiency

Frequently Asked Questions

1. What is a hospital required to provide by law?

- ✓ Provide language assistance, including bilingual staff and interpreter services at no cost to a patient, in a timely manner during all hours of operation.
- ✓ Train staff
- ✓ Provide notice to LEP patients in their preferred language (including verbal communication and written notices) informing them of their right to receive language assistance.
- ✓ Assure the competence of interpreters providing language assistance (including verbal and written) to LEP patients.
- ✓ Make available easily understood patient-related materials and post signage in the languages of the commonly encountered groups represented in the hospital's service area.
- ✓ Monitor and, if necessary, update LEP plans.

2. What should a hospital do if an interpreter is not readily available?

Ensure access to language line resources as back up during emergent situations.

3. Who is qualified to interpret?

Currently there is no standardized certification process for language interpreters working in health care settings. However hospitals should ensure that interpreters have an understanding of the language, have knowledge of medical terminology and have an understanding of cultural nuances.

4. Is a hospital required to provide language assistance to anyone other than the patient?

Yes a hospital must ensure that third parties who have limited English proficiency who accompany a patient and have the legal right to access healthcare information or have authority to make healthcare decisions are also provided with interpreter services.

5. Must patients be informed of their right to an interpreter?

It is recommended in the resource guide, *A Patient-Centered Guide to Implementing Language Access Services in Healthcare Organizations*, that hospitals post signs regarding the availability of interpreter services. Signage should also advise those with LEP as to the services available, how to access the services, i.e., procedures, directions to the service, etc.

6. How does a hospital manage protected health information (PHI) between a patient and an interpreter with respect to the Health Insurance Portability and Accountability Act?

Providers may use or disclose PHI for treatment, payment or healthcare operations.

- ✓ Providers may use and disclose PHI for purposes of treatment, payment or healthcare operations without obtaining a patient's authorization.
- ✓ Treatment, as defined by federal regulations at 45 CFR 164.501, includes provision, coordination or management of healthcare by one or more providers, including coordination with a third party.
- ✓ Healthcare operations, also defined at 45 CFR 164.501, include conducting case management and care coordination.

Based on the definitions of treatment, payment and healthcare operations providers may use or disclose PHI without obtaining the patient's written authorization. A provider can safely conclude that if a patient has chosen to be assisted by an interpreter, and, is willing to continue the healthcare encounter using the interpreter, that the patient does not object to the disclosure of his or her PHI.

7. What services are available from the state?

It is the mission of the Division of the Multicultural and Minority Health to foster accessible and high-quality programs and policies that help all racial and ethnic minorities in New Jersey achieve optimal health, dignity and independence. The Division provides services such as, assisting with policy analysis to improve health care access and services for minority populations and providing funding to community based organizations for community outreach. The Division also has a Web site; <http://www.state.nj.us/health/omh/>; which provides information and resources including a section dedicated to forms commonly used by hospitals that have been translated into a number of languages.

8. Does the patient have to pay for any interpreter services provided?

No, hospitals must ensure that all staff understand that patients with LEP can not be charged for the interpreter services received during the course of their hospital stay, and staff must inform their patients and visitors of this policy.

9. Is reimbursement available to hospitals for communication services provided to limited English proficiency patients or visitors?

Whether it is Medicaid, Medicare or commercial health insurance, it is rare that hospitals receive direct reimbursement from insurers for the resources and services they provide to meet the needs of patients with LEP. Reimbursement for interpreter services should be negotiated as a separate and distinct fee within a hospital's contract with a healthcare payer.