Module 10

Regulatory Compliance

Why is Language Access important & why do we have Healthcare Interpreters in the United States?

There are ethical, moral, clinical and business reasons for the importance of Language Access and Healthcare Interpreters.

BUT, most and foremost,

IT IS THE LAW!

What is Title VI?

Title VI applies to any agency that receives federal money.

It protects persons from discrimination based on their
<u>race</u>, <u>color</u>, or <u>national origin</u>

Who is LEP?

A person with Limited English Proficiency.

Anyone who speaks English "less than well" is legally considered LEP.

Who is considered a healthcare provider?

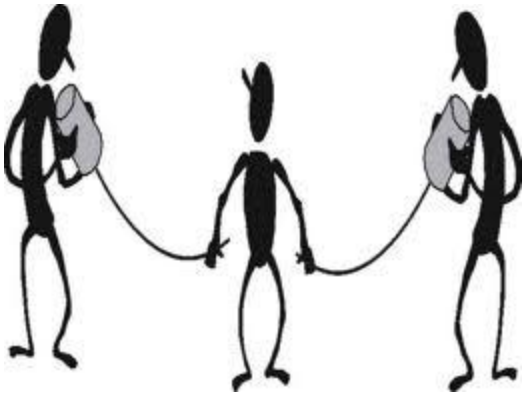
Any individual who works in the healthcare sector that has direct communication and contact with a patient or the patient's family or caretaker is considered a healthcare provider.

What is a Healthcare Interpreter?

A Healthcare Interpreter is an individual who has:

- **Proven native-like fluency in two or more languages**

- **A thorough understanding of HCI Standards of Ethics, Medical Vocabulary, US Healthcare Climate and Interpreting Skills**



Executive Order 13166

The Executive Order requires Federal agencies to:

1) Plan their own Language Access Programs to meet Title VI standards
2) Issue LEP Guidance to their grantees

Hence… Health and Human Services' (HHS) Office for Civil Rights (OCR) LEP Guidance

The Guidance explains that the obligation to provide meaningful access starts with an individualized assessment using the **four factor analysis.**

The Four Factors are:

1) **The number or proportion of LEP** persons eligible to be served or likely to be encountered
2) **The frequency** with which LEP individuals come into contact with the program
3) **The nature and importance of the program, activity or service** to people's lives
4) **The resources available** to the participant and the cost of services.

What Are the Office of Minority Health Culturally and Linguistically Appropriate Standards?

The 14 standards are a mix of mandates, guidelines, and recommendations.

Key themes include:

Culturally Competent Care
Language Access Services
Organizational Supports for Cultural Competence

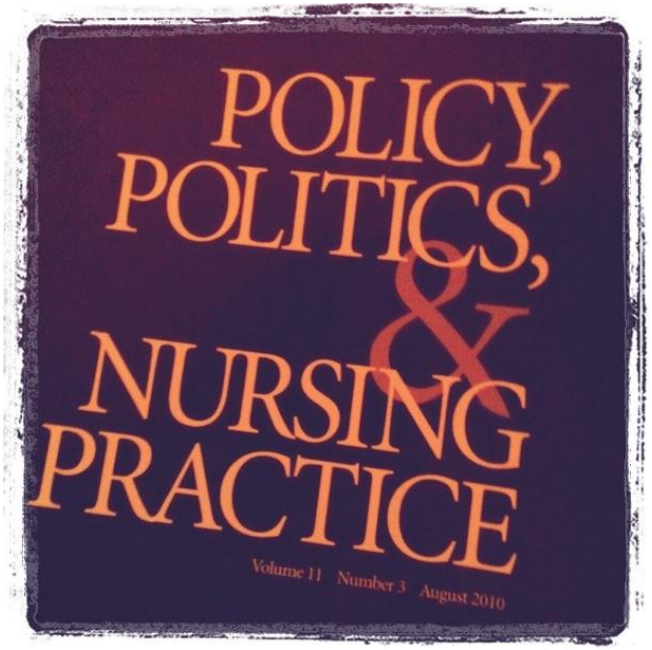
California Regulatory Landscape

California has a state law that “looks like” Title VI:

Dymally-Alatorre

Dymally-Alatorre is CA regulation that puts the obligation on all state agencies to hire bilingual staff based on threshold language needs and assess every two years bilingual resources and the number of LEPs served by an agency

Kopp Act of 1983

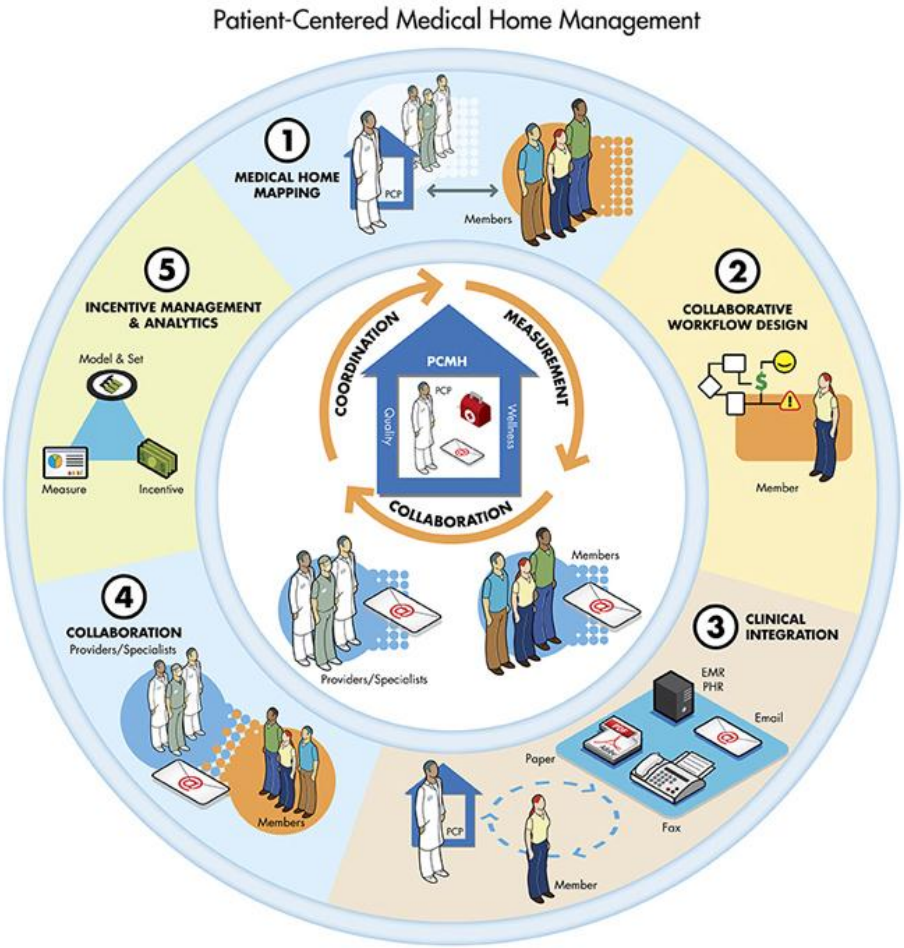


Medi-Cal and Healthy Family Managed Care Contracts

SB 853 (Escutia)

Joint Commission

As of June of 2012, JC expects implementation to new Language Service Standards issued to improve

Patient-Centered Communication

Patient-Centered Medical Homes and Accountable Care Organizations