



Advocating for Language Access to Health Care

By Esther Diaz

From my first exposure to the field of health care interpreting in a course called *Bridging the Gap* that was taught by Cindy Roat, I discovered my passion for health care interpreting as a way to provide equal access to health care for people with limited English proficiency. Since then, I have advocated on language access issues. Whenever I talk about my advocacy efforts, people often ask how they can help. I am writing this guide for those who wish to advocate in their own state.

Step 1: Learn as much as you can about the laws related to discrimination on the basis of national origin, language access, health disparities, and culturally and linguistically appropriate services for health care. A great place to start is a website called Let Everyone Participate (www.lep.gov), sponsored by the Federal Interagency Working Group on Limited English Proficiency. Here you will find many resources, including the text of Title VI of the Civil Rights Act, and guidance memoranda from the U.S. Department of Health and Human Services, Department of Justice, and many other government agencies. You will also find the Culturally and Linguistically Appropriate Standards (CLAS) for Health Care.

Perhaps the best starting point is a videotape titled simply "The Limited English Proficiency Video." It pro-

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vides an overview of the legal requirements related to language access as well as the CLAS developed by the Office for Civil Rights. It is listed under “Resources” at www.lep.gov with a link to order a free copy. Another place to start (and earn free continuing medical education [CME] units) is an online training module created by the Office of Minority Health. It is available at www.tmfteam.net/cultureandmedicine.

To find out about state legislation, see the “Summary of State Law Requirements Addressing Language Needs in Health Care,” available from the National Health Law Program at www.healthlaw.org.

Step 2: Once you have learned all you can about the legal requirements, you need to build a case for language access. Your case should include the legal requirements, the business benefits, and an appeal to quality of care and reduction of adverse medical events. Here are two approaches:

A. For the business benefits, you might want to develop a case for cost avoidance. This could include avoiding emergency room visits (the largest cost center for public hospitals), repeat visits, additional tests, or lawsuits on the basis of discrimination. For information about complaints resulting in investigations by the Office for Civil Rights, see the website of the National Health Law Program

(www.healthlaw.org) and search for the Office of Civil Rights Docket for your region.

B. For the appeal to quality of care, you will need to cite research findings relating to health disparities and adverse events resulting from the use of untrained interpreters or no interpreters. Dr. Glenn Flores has published several studies on this topic, including a recent article in the June 2008 online *Journal of Pediatrics* entitled “Racial and Ethnic Disparities in Medical and Dental Health, Access to Care, and Use of Services in U.S. Children.” Other published research on language access can be found in an annotated bibliography on the website of the National Council on Interpreting in Health Care (www.ncihc.org).

Some other important issues to address with hospital administrators include: accreditation issues; norms in the field; demographic information (national, state, and most importantly, within the hospital system’s catchment area); and competitive advantage. For public hospitals, also include a discussion on interpreting services and the impact on access to care.

Step 3: Prepare a presentation for your prospective audience. Make your presentation as concise and focused as possible. When speaking to clinicians, emphasize quality of care and research findings concerning adverse events and patient safety.

When speaking to administrators and risk managers, emphasize the cost avoidance and legal compliance issues. In addition to this, offer solutions such as local resources for testing and training of existing bilingual staff, for over-the-phone interpreting services, and for face-to-face interpreting services in the languages frequently encountered in your area.

Step 4: Get your foot in the door. Take advantage of networking opportunities such as health care and diversity conferences and seminars. Meet hospital administrators, physicians, directors of nursing, risk managers, human resource managers, patient representatives, social workers, and anyone else who can open doors for you. Identify opportunities for a conference or seminar presentation, an in-service presentation for hospital staff, or a one-on-one meeting with a hospital or clinic administrator.

Step 5: Become a clearinghouse of information and resources on language access. You should become familiar with the following publications:

National Council on Interpreting in Health Care

www.ncihc.org

- *National Code of Ethics for Interpreters in Health Care*
- *National Standards of Practice for Interpreters in Health Care*

The California Endowment

www.calendow.org

- *Addressing Language Access Issues in Your Practice: A Toolkit for Physicians and Their Staff Members*
- *Paying for Language Services in Medicare* ➔

- *Straight Talk: Model Hospital Policies and Procedures on Language Access*

The Commonwealth Fund
www.commonwealthfund.org

- *Language Barriers in Health Care: Special Supplement to the Journal of General Internal Medicine*

National Health Law Program
www.healthlaw.org

- *Language Services Action Kit: Interpreter Services in Health Care Settings for People with Limited English Proficiency*
- *Language Services Resource Guide for Health Care Providers*
- *Summary of State Law Requirements Addressing Language Needs in Health Care*

The Joint Commission
www.jointcommission.org

- *Hospitals, Language, and Culture: A Snapshot of the Nation*
- *One Size Does Not Fit All: Meeting the Health Care Needs of Diverse Populations*
- *Language Access: Understanding the Barriers and Challenges in Primary Care Settings. Perspectives from the Field* (June 2008).

Step 6: Identify pending legislation on language access that you would like to support. Each state legislature has a way of tracking pending legislation online. If you do not know your state legislature's website, see www.usa.gov and follow the links to your state's legislature. Once you find it, search for pending bills by keyword "translator" or "interpreter." If necessary, search for "Spanish." When you

find something of interest, download the bill text and its history. You can find out who is sponsoring the legislation and the bill status. Find out as much as possible about the bill and discuss it with colleagues from the health care interpreting field to determine whether it is worth supporting.

Step 7: Talk to your state legislature. Identify the state representative or senator who sponsored the bill you are interested in supporting and set up an appointment to talk to his or her legislative aide. This is the person respon-

sible for researching and writing bills and helping the representatives/senators get them passed.

Learn as much as you can about your state's legislative process. (Your state legislature's website should have a description of how a bill becomes a law.) Prepare a short presentation explaining why you support this particular bill and offer to testify in support of the bill.

If your offer to testify is accepted, find out the date, time, and location where you will testify. Be aware that this time can change. Ask the sponsor's office to notify you of any change and

Want to Learn More?

**Bridging the Gap
Cross Cultural
Health Care Program**
www.xculture.org

The California Endowment
www.calendow.org

Flores, Glenn. "Racial and Ethnic Disparities in Medical and Dental Health, Access to Care, and Use of Services in U.S. Children."
Journal of Pediatrics
(June 2008)
www.jpeds.com

The Joint Commission
www.jointcommission.org

**Let Everyone Participate
Federal Interagency Working
Group on Limited English
Proficiency**
www.lep.gov

Office of Minority Health
www.thinkculturalhealth.com

**National Council on Interpreting
in Health Care**
www.ncihc.org

National Health Law Program
www.healthlaw.org

USA.gov
www.usa.gov/Citizen/Topics/Health.shtml

Get ideas for legislation that addresses the needs of your state by reviewing legislation from other states.

be prepared for last-minute delays that could last several hours.

For your testimony, prepare a short, very focused presentation. Use the time to talk about the benefits of the bill for the citizens of your state—not to promote your own qualifications or services.

Step 8: Propose new legislation.

If there is no bill pending that relates to health care interpreting, you might want to propose one. Get ideas for legislation that addresses the needs of your state by reviewing legislation from other states. As indicated above, you will find a summary of existing state legislation on language access on the website of the National Health Law Program (www.healthlaw.org). Contact colleagues in other states to identify current or pending legislation about health care interpreting. The listserv of the National Council on Interpreting in Health Care is an excellent tool for this (www.ncihc.org). Talk to as many colleagues in your state as possible to identify support for and potential opposition to such legislation. Enlist the support of your local translator and interpreter association and approval to pursue proposed legislation. You should ask an officer of the local association to join you in this pursuit and help you present your proposal to the legislature. Remember that legislators rely on voters to stay in office—the more voters you can represent, the better.

Identify a sympathetic state legislator. This can be the representative for your own district or another. Good prospects can be found by searching for pending legislation about health care or social services and identifying representatives who have sponsored such legislation.

Prepare a one- or two-sentence description of your proposed legislation that you can use when you contact the identified legislator's office for an appointment. This will be a meeting with a legislative aide. Once you have an appointment, prepare a professional, focused presentation explaining why you think new legislation is necessary. The presentation should be 20 minutes or less and include:

- State demographics.
- Any research or news stories you can find about adverse medical events in your state resulting from the lack of qualified interpreters.
- A general concept of the legislation you propose as a solution to the needs you identified.
- Examples of legislation from other states.

If your legislative proposal is accepted, you may also be asked to participate in drafting the bill. If so,

comply with all requests for information in a timely manner and follow up as needed to make sure the proposal is diligently pursued.

Once the bill is drafted, you will need to track it using your legislature's online tracking system and place follow-up calls or e-mails to the legislative aide responsible for the bill. Offer to testify in support of the bill and follow the steps described above.

Step 9: Keep your local translator and interpreter association informed of your efforts, and if they are interested, make them part of the process. Prepare oral or written updates on the legislative project for the board or write an article for your local group's newsletter.

Step 10: Do not give up. As you can see, advocacy takes research, legwork, people skills, and persistence. Do not try to do it all yourself. Enlist the help of your colleagues and have them each contribute in their areas of strength. Support each other throughout the project and celebrate each small victory. Access to health care is well worth the effort!

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