**A Health Care Language Access Success Story**

 New York State Public Health Regulation, 10 NYCRR §405.7 provides a Patient’s Bill of Rights for hospital patients that includes the right to meaningful language access for individuals with limited English proficiency (LEP). Last year, Linda Hassberg , Senior Attorney at Empire Justice Center’s Long Island office, started receiving reports from health care and community advocates that a local hospital was repeatedly failing to provide interpreter services and translation of documents to LEP patients and their families. Linda formed a team of advocates that succeeded in moving the hospital to develop and implement comprehensive language access services, policies, and procedures quickly and effectively. The following describes the efforts of the coalition and the hospital’s response. [[1]](#endnote-1)

Linda and the other advocates gathered individual “stories” from clients who had been patients at the hospital and enlisted the assistance of New York Lawyers in the Public Interest and the New York Immigration Coalition. The group wrote a letter to the hospital’s president detailing the types of problems encountered by LEP patients and family members. The letter included specific examples of patients who had sought and been denied interpreters and essential documents. We stated that these incidents illustrated that the hospital was violating patients’ rights under state and federal law and asked for a response that would address our concerns. [[2]](#endnote-2) A copy of the letter is attached as Appendix A

The hospital’s Vice President for Corporate Affairs immediately contacted Linda upon receipt of the letter and asked to meet with the group to discuss the issues and concerns. The advocates who had signed the letter met with the hospital staff. In the course of a two hour meeting, issues about the quality of language services in all areas of the hospital were discussed along with possible resolutions. After the meeting, the advocates group wrote again to summarize the points raised at the meeting and to request a timely response regarding the hospital’s implementation of measures to ensure meaningful language access. A copy of the second letter is attached as Appendix B.

 Within 30 days, the hospital responded with a lengthy, detailed list of actions taken or proposed to provide appropriate language services. The letter, attached as Appendix C, included changes in policies and procedures designed to ensure that LEP individuals would be offered interpretation in a timely manner throughout the hospital as well as increased signage, translation of documents, procurement of technology to aid language access. We replied with an acknowledgement and request to keep us informed. One month later, the hospital sent an update:

The following will provide you with an update relative to our efforts to improve services to LEP patients:

1. Completion of installation of Spanish directional signage at key locations in the organization
2. Completion of installation of signage in multiple languages indicating that we provide free interpreter services
3. Substantially increasing the number of forms that are available in Spanish
4. Installation of a dedicated phone line in the Patient Accounting Department for individuals who speak Spanish
5. On May 1 we will have available Spanish interpretation services when someone calls the main hospital phone number.  The interpreter will be able to be included when the caller is transferred to other departments.
6. We are finalizing the agreement with the firm that provides the “MARTI” system using audio-visual translation technology
7. Signage in Spanish throughout the organization outlining [the hospital’s corporate compliance program and how to access the corporate compliance officer
8. I am assured by the Patient Accounting Department that we are fully assuming our responsibility to assist patients, regardless of the language they use, with the Medicaid application process
9. The number of two headset phones used with Pacific Interpreters has been dramatically increased
10. Since January we have experienced more than a 30% increase in the amount of minutes we use with our current telephone translation service

I believe we are making progress and would appreciate any additional input you can provide.

The hospital’s responses illustrate the effectiveness of this type of collective advocacy. The advocate organizations spend about two months gathering information and drafting the first letter to a hospital about the serious deficiencies in its provision of language services. Six months after receipt of the letter, the hospital has policies and procedures in place that make it one of the best medical centers for LEP individuals in the region. The advocates used legal and organizational resources to develop a solid understanding of the law and enforceability of rights along with an analysis of local experiences with the hospital. We did not anticipate such a rapid and comprehensive response from the hospital, but believe that this wonderful development happened at least in part due to the partnership between local groups that were known to the hospital and those with legal and organizational tools to communicate the seriousness of the situation and the possible adverse consequences of inaction.

The results of the collaboration between advocates and the hospital have long-term implications beyond the services to the LEP community, itself a laudable achievement. The hospital now has a much better relationship with the local organizations such that their advocates can call the hospital directly on behalf of patients and get problems resolved quickly. The improved communication and access will in turn lead to better attention to patients’ need and better health care.

Additionally, the Empire Justice Center helped found the Long Island Language Access Coalition (LILAC), a coalition of organizations and individuals seeking to ensure that the LEP population receives full and equal access to programs and services on Long Island. LILAC’s Health Committee will be able to use the model described here to encourage other area hospitals to provide a similar level of service to the LEP community. Perhaps the model will aid other groups across New York to do the same.

1. The hospital consented to posting our correspondence, but asked that its name not be mentioned. [↑](#endnote-ref-1)
2. For more information on the scope and limitations of state and federal enforcement of language access rights, please look at the article posted on Empire Justice Center’s website in the Civil Rights Issue Area under Language Access entitled **Hospital Care in New York: *Enforceability of the Right to Meaningful Language Access***
 [↑](#endnote-ref-2)