

Language Access/ Interpreter Services Policy

Purpose

To ensure that all limited English proficient (LEP) and hearing-impaired patients and authorized representatives are able to understand their medical conditions and treatment options. Additionally, the purpose of the policy is to provide guidelines for John Muir Health physicians and staff to provide quality patient care to their LEP and hearing-impaired patients. This policy complies with applicable Federal and State regulations and Accreditation standards.

Policy

- A. Patients or authorized representative of the patient, who are Limited English Proficient (LEP) or hearing-impaired, shall have services provided to them in their primary language or have interpreter services provided to them during the delivery of all significant healthcare services. Interpreter services shall be available at no cost to patients and provided in a timely manner.
- B. Physicians or staff who do not speak the patient/patient's authorized representative's preferred language must use a qualified interpreter for the following types of encounters:
 - a. Obtaining informed consent
 - b. Discussing Do Not Resuscitate process and end of life decisions
 - c. Discussing organ donation process
 - d. Obtaining medical histories and performing physicals
 - e. Explaining diagnosis, plan for medical treatment, tests, procedures or surgery
 - f. Discussing issues at patient and family conferences and/or health education sessions
 - g. Providing discharge instructions
 - h. Providing extensive social worker or case management interventions
 - i. Discussing patient complaints
 - j. Providing medication instructions and explanation of possible side effects



- k. Discussing legal issues (advance directives, guardianship, etc.)
 - l. Explaining patient rights and responsibilities
 - m. Explaining the use of seclusion or restraints
 - n. Obtaining financial and insurance information
 - o. Discussing any mental health issues or concerns
- C. Qualified interpreters provided by John Muir Health shall be continuously trained and assessed to ensure that the interpreting provided for healthcare services is comprehensive and accurate. Qualified interpreters include:
- a. A Qualified Employee Interpreter (QEI)
 - b. A JMH contracted phone interpreter
 - c. A JMH contracted on-site interpreter
 - d. A JMH contracted video interpreter
- D. All Vital Documents will be available in JMH's High Volume languages. Translation of other hospital written materials shall be at the discretion of issuing staff. Vital Documents that are not produced in a written translation shall be verbally translated to the patient or authorized representative. The provision of oral translation of all Vital Documents to patients shall be documented and documentation shall become a part of the medical record. QEIs are not permitted to orally translate vital documents. Oral translation of vital documents must be done by JMH Contracted Phone Interpreters, JMH Contracted Video Interpreters or JMH Contracted On-Site Interpreters.
- E. If the situation is deemed urgent or emergent in the physician's judgment, treatment will be provided in accordance with standard medical practice. Interpreters will be sought promptly, but treatment will not be delayed pending the arrival of an Interpreter.
- F. Interpreters may accompany patients to medical procedures, to the Pre-op Room, or to the Post-Anesthesia Care Unit as appropriate.
- G. If, after a provider or staff member informs a limited English proficient (LEP) person of the right to free interpreter services, the person declines such services and requests the use of an adult family member or friend, the provider or staff member may use the family or friend, if the use of such a person would not compromise the effectiveness of services or violate the LEP person's confidentiality. The provider or staff member must document the declination of the offer to provide an interpreter in the LEP person's medical record. Minors may not be used as interpreters except in documented emergencies.
- H. All areas of first patient contact and patient care shall be equipped with tools to assist the patient in identifying his/her preferred language if communication barriers prevent hospital staff from effectively determining the language of the patient or patient's authorized representative.

- I. JMH shall post in conspicuous locations notices that advise patients and their families of the availability of free Interpreters, a list the languages for which interpreter services are available, the procedure for obtaining an Interpreter, and the telephone number where complaints may be filed, including a mechanism to handle TDD communication for the hearing impaired. This notice shall be translated into the high volume languages (Spanish) of JMH.
- J. Periodically JMH will conduct a review of language access needs of 1) the population of the geographic area served, and 2) the actual patient population served. The review will identify the High Volume Languages in the community and patient population. The results of the periodic review will be reviewed by the Cultural Understanding Advisory Committee. Recommendations will be submitted to department directors and to the Operations Committee when appropriate.
- K. Policies regarding language assistance for any patients with language and communication barriers shall be reviewed annually.
- A. Patient Relations Coordinators shall take any language access or interpreter services complaints from patients.

Definitions

High Volume Language: Language groups that comprise five percent or 1,000, whichever is less, of the population of persons likely to be encountered in the facility's geographic service area or actual patient population. The high volume language of John Muir Health at this time is: Spanish.

Interpretation: The oral rendering of one language into a second language and vice versa to facilitate the exchange of communication between two or more persons speaking different languages.

JMH Contracted Phone Interpreter: A form of remote interpreting that offers the delivery of 24 hour interpreter services via telephone. Phone interpreters may also sight translate vital and non-vital documents.

JMH Contracted On-Site Interpreter: A medical interpreter sent by an agency contracted with JMH to provide on-site interpreter services. On-site Interpreters may also sight translate vital and non-vital documents.

JMH Contracted Video Interpreter: A form of remote interpreting that offers the delivery of 24 hour interpreter services via video or phone through the Health Care Interpreter Network. Video interpreters may also sight translate vital and non-vital documents.

Language or communication barriers: Barriers experienced by limited English-speaking individuals, or barriers that are experienced by individuals who are deaf and whose preferred language is sign language.

Limited English Proficiency (LEP): Inability to speak, read, write, or understand the English language at a level that permits them to interact effectively with health care providers, or understand and participate in their medical care.

Oral Translation: Oral translation of forms or documents written in one language into another language by a qualified interpreter.

Patient's Authorized Representative: A person authorized by law, the patient, or hospital policy to act on behalf of a patient who lacks decision-making capacity.

Qualified Interpreter: An individual who has 1.) Been trained in healthcare interpreting, 2.) Tested for their fluency in the languages in which they interpret including American Sign Language, 3.) Adheres to the professional code of ethics and protocols of healthcare interpreters; 4.) Is competent in medical terminology, and 5.) Can accurately and completely convert information from one language to another. A JMH qualified Interpreter is one of the following:

- ❖ A Qualified Employee Interpreter (QEI)
- ❖ A JMH contracted phone interpreter
- ❖ A JMH contracted on-site interpreter
- ❖ A JMH contracted video interpreter

Qualified Employee Interpreter (QEI): A bilingual employee who has successfully completed the John Muir Health QEI training and passed the language proficiency assessment.

TDD Phones: A device that enables deaf, hearing impaired or nonverbal individuals to communicate by using text phones. The device looks like a small typewriter with a display screen and allows the person to type text messages through the telephone line to other TDD users. The California Relay Services (CRS) enables a person using a TDD phone to communicate with a person who does not use such a device. The service also works in reverse to allow a non-user to call a TDD user. The CRS is available 24/7 at no extra charge (other than standard telephone charges).

Translation: The conversion of written text in one language into written text in a different language, which is corresponding to and equivalent in meaning to the text in the first language.

Vital Documents: Documents that provide patients with meaningful access to a particular program, right, or service. Vital documents include, but are not limited to, documents that contain information for accessing JMH services and/or benefits. The following types of documents are examples of Vital Documents:

- ❖ Informed Consent
- ❖ Conditions of Admissions
- ❖ Advanced Directives
- ❖ Consent and Complaint forms

- ❖ Intake forms with potential for important health consequences
- ❖ Notices pertaining to the denial, reduction, modification or termination of services and benefits, and the right to file a grievance or appeal
- ❖ Notices advising LEP persons of free language assistance services or applications to participate in a program or activity or receive benefits or services

Questions & Complaints

Questions

Call (925) 941-7900 Opt. 3

Complaints

Individuals who wish to file a complaint/grievance should be directed to contact Quality Management and speak to a Patient Relations Coordinator. The Coordinator shall take the complaint/grievance and provide feedback to the patient within 30 days. If the patient does not wish to place their complaint with John Muir Health, they will be provided a listing with names of agencies and their telephone numbers as well as instructions on how to file a complaint through those entities, including California State Licensing and Certification Office: Call 1-800-554-0352, TDD 1-800-735-2929, visit <http://hfcis.cdph.ca.gov/> or write to District Administrator, 850 Marina Bay Parkway, Building P, 1st Floor, Richmond, CA 94804."