

WORKING WITH LEP PATIENTS & MEDICAL INTERPRETERS



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[Can Anyone Interpret For Me?](#)

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Objectives

- Interpreter or Translator?
- Basic Purpose of the Interpreter
- Interpreter Roles
- Interpreter Modes & Methods
- Things to know about your interpreter?
- Best practices when working with an interpreter or translator
- Importance of using a qualified interpreter/translator
- Legal implications for not using a qualified interpreter
 - Bilingual and Interpretation Skills Assessments
- Epic documentation

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Poll

Do you know what LEP is?

Yes

No

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Who are we talking about?



LEP =
Limited English Proficient

Deaf or deaf (ASL)

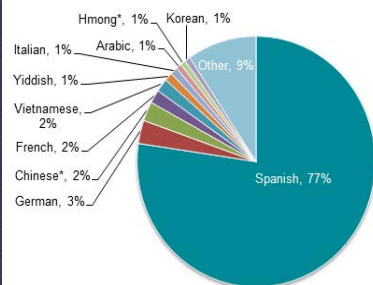
Diverse Patient Population

Largest Minorities in Orange County

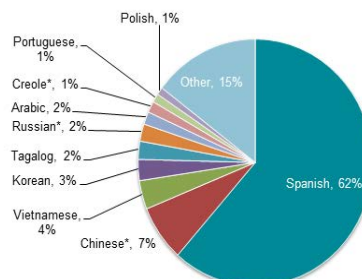
- Carrboro
 - Hispanic
- Chapel Hill
 - Asian
 - Refugee Population
 - Burmese, Karen, Rohingya
- Hillsborough
 - African American

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Native-Born LEP Population



Foreign-Born LEP Population



Notes: Chinese includes Chinese, Mandarin, and Cantonese; Creole includes French and Haitian Creole; and Hmong includes Miao-Yao, Mien, and Miao.

Source: MPI tabulation of data from the U.S. Census Bureau 2013 ACS

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Public Health Facts

- LEP patients are the most likely to experience adverse events of serious nature
- 75% of the provider's evaluation is based on oral history as interpreted by interpreters
- LEP patients have longer hospital stays
- Children with LEP parents undergo more tests than typically required for same diagnosis
- Between 1990 and 2013, the LEP population in the US grew 80% from nearly 14 million to 25.1 million
- Demographics
1 out of 5 people in the US today do not speak English

Source: Agency for Healthcare Research and Quality

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Poll

The terms Interpreter and Translator can be used interchangeably.

True
False

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Definitions

Interpreter is an individual who facilitates verbal communication between two people who speak different languages.

Medical Interpreters provide interpretation for patients in a hospital or other clinical settings. *This requires advanced knowledge of medicine and medical terminology in both languages.*



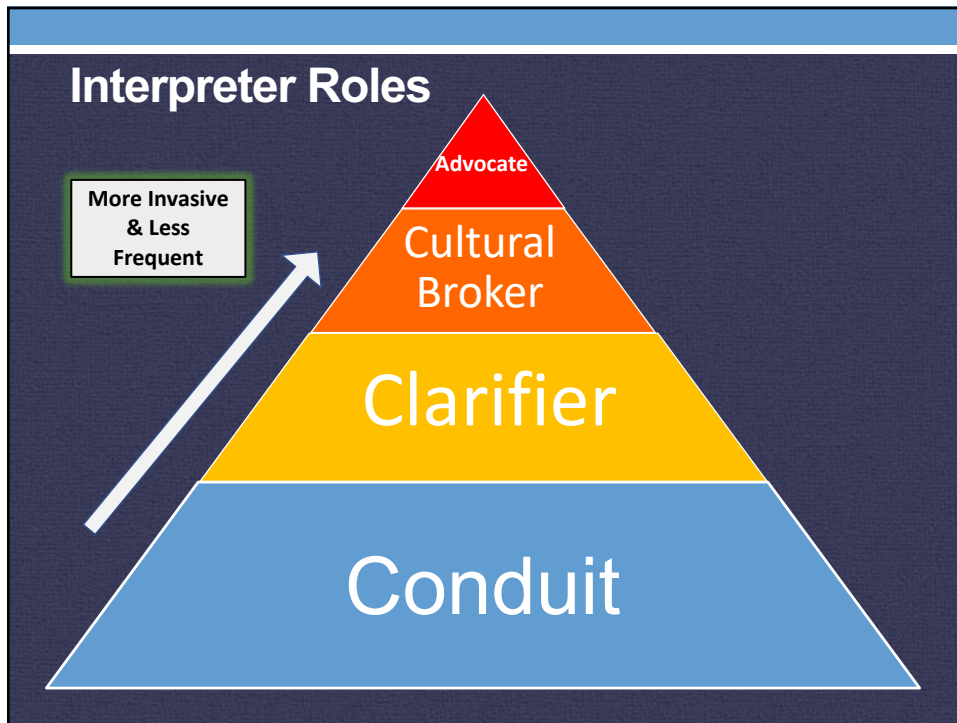
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Basic Purpose of the Interpreter

The basic purpose of the interpreter is to facilitate communication and ensure understanding between two people who do not speak each other's language.



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Ways to Provide Interpretation

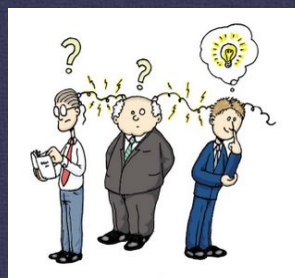
Modes <ul style="list-style-type: none">ConsecutiveSimultaneousParaphrasingSight Translation	Methods <ul style="list-style-type: none">In person (on site)Remote<ul style="list-style-type: none">• via Telephone• via Video
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What Provider Should Know About Interpreter

- ❖ Interpreter's name or "code"
- ❖ Interpreter will speak in the first person
- ❖ Interpreter will repeat EVERYTHING that is being said



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During the Interpretation

- ❖ Look and speak directly to the client- not the interpreter (video depends)
- ❖ Speak in short units of speech, not long and involved sentences or paragraphs
- ❖ Avoid technical terminology, abbreviations and professional jargon
- ❖ Avoid colloquialisms, abstractions, idiomatic expressions, slang, similes and metaphors.



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During the Interpretation cont.

- ❖ Listen to your client and be aware of non-verbal communication
- ❖ Be patient. An interpreted interview will last longer
- ❖ Check on the clients understanding and the interpreters accuracy, by asking the client to repeat information or instructions back to you in their own words



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Poll

If the patient agrees, it is okay to use a family member to help interpret if they speak English well.

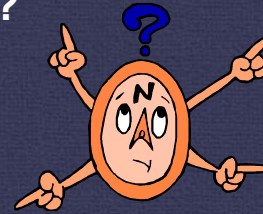
True

False

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Why Use a Qualified Interpreter?

- ❖ Cooking vs. Chef
- ❖ NA vs. Nurse
- ❖ Bilingual skills is not enough
 - Lack of terminology
 - Lack of ability to efficiently move between languages
 - Lack of training
 - Lack of cultural insight
- ❖ Inability to self assess ones language skills



The Joint Commission and the Office for Civil Rights require that we provide proof of competency for any bilingual staff members who communicate with our Limited English Proficiency (LEP) patients without the use of an interpreter

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Sometimes, I think it ok to use children to help me interpret for their parents.

[Interview](#)

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Why Use a Qualified Interpreter cont.

- ❖ Children *don't always understand* what is being said medically i.e. confusing gums for chewing gum or TB for TV
- ❖ Even if a child speaks English, they *don't always know the correct terms* in the other language
- ❖ Causes *trauma* since the child is related or close to the patient 12 year old Portuguese speaking child loses her grandmother when her grandfather is diagnosed with cancer and grandfather dies shortly after
- ❖ *Worried about getting in trouble* if they don't get everything right



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Why Use a Qualified Interpreter cont.

- ❖ No assurance of quality or if things are being interpreted correctly
- ❖ Legal Implications Compliance Reviews, Ongoing Federal Investigations
- ❖ Loss of Federal Funds (\$\$ millions)
- ❖ Joint Commission/Accreditation



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The Legal Framework For Language Access in Healthcare

- **Title VI of the Civil Rights Act of 1964**

“No person in the United States shall, on grounds of race, color, or national origin, be **excluded** from participation in, be **denied** the benefits of, or be **subjected** to discrimination under any program or activity receiving **Federal financial assistance**”

- Section 504 of the Rehabilitation Act of 1973 (45 CFR Part 84)
- Title III of the Americans with Disabilities Act (ADA) of 1990
- ADA Amendments Act of 2008
- CFR Part 92 Nondiscrimination in Health Programs and Activities
- Section 1557 of the Affordable Care Act - Final Rule issued by the US Department of Health And Human Services

Source: Office of Civil Rights (OCR) in the Department and Health and Human Services (DHHS)

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Legal Issues – Title VI

- **Title VI**, 42 U.S.C. § 2000d et seq., was enacted as part of the landmark **Civil Rights Act** of 1964.

It prohibits discrimination on the basis of race, color, and **national origin** in programs and activities receiving federal financial assistance.

Language-based discrimination = National Origin discrimination

Law Suits - Civil Rights Judgments (personal) & Malpractice (hospital & staff)

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Section 1557 of the ACA

Builds on Title VI by advancing nondiscrimination in healthcare.

- U.S. Department of Health and Human Services (DHHS) issued a rule to help healthcare organizations with compliance.
- **strictly regulates who can act as an interpreter for limited English proficient (LEP) patients.**

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Section 1557 of the ACA cont.

- It requires that health care organizations use **“qualified”** interpreters to communicate with LEP patients.
- Interpreters must possess proficiency in speaking and understanding English and one additional language, but **being bilingual in itself does not meet that requirement.**
- **Qualified interpreters should have demonstrable qualifications.**
- Interpreters must be able to recognize and use **specialized terminology** when necessary in order to accurately convey information.
- Interpreters must adhere to ethical principles such as client confidentiality.

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Poll

How many knew that, by law, we have to provide our LEP patients and visitors a qualified medical interpreter, free of charge. This excludes the use of family members, friends, and interpreters (that accompany patients) or staff that have not been cleared to interpret by UNC?

- a. I did not know before this presentation
- b. I did know but sometimes I don't have time to wait for an interpreter or know how to request an interpreter
- c. I did know and always do my best to use the Interpreter Services provided by UNC

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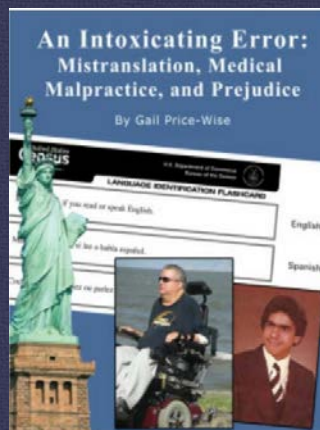
Misunderstandings

- ¿Púdo hacer del baño?

No lo siento
 No, *lo siento*
 Similar in ASL

- Willie Ramirez
Intoxicado

'intoxicado'
 poisoned, ingested something
 that has made you sick.
 'embriagado' = inebriated



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Be mindful of false cognates and words that can mean two different things

Intoxicado does not carry the same English meaning of intoxicated!

Embarazada/o does not mean Embarrassed!

Sensible means reasonable in English but means sensitive in French and Spanish.

Angine could mean angina pectoris or sore throat

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Legal Issues cont.

- ❖ “No, it’s past 5p, all the interpreters have gone home.”
- ❖ Suits based on staff “muddling through” – Didn’t really understand
- ❖ Patient Complaints
Use of child, HIPAA violations, family member used, upset over offensive terminology
- ❖ No interpreter was provided



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Deaf or deaf?

- ❖ No interpreter was provided
 - read lips (30-45%)
 - write back and forth
 - video interpreter

[Can You Read my Lips?](#)

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Poll

If the patient or family members insist that they do not want an interpreter, it is still okay for me to request one.

True

False

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From Interpretation to Translation



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Definitions cont.

Translator is an individual who **writes** a document from one language to another.



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Translation Regulations

- **Title VI** of the Civil Rights Act of 1964 prevents discrimination based on national origin.
- Section 1557 of the Patient Protection and Affordable Care Act (ACA) (**P.L. 111-148**), and a related
- **Final rule** (81 FR 31376, May 18, 2016) proscribed such discrimination in the health care arena (see **Final rule eyes equity and an end to discrimination in healthcare**, May 18, 2016).

Failure to provide limited English proficient (LEP) patients with necessary documentation in a language they can understand can be considered discrimination.

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Translation Requirements

Federal regulations set up and monitored by the Office for Civil Rights (OCR, part of the DHHS) require that **vital documents** be translated for every “LEP language group that constitutes **5% or 1000 persons** – whichever is less – of the population served.”

Vital Documents

- Notices of free language assistance
- Notices of eligibility criteria for services
- Informed consent documents
- Intake forms that have clinical consequences
- Discharge instructions
- Complaint forms

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4 Factors to Consider

When determining which medical documents are considered so vital that they must be translated consider:

- the number of proportion of LEP patients likely to use the document;
- the frequency with which LEP patients will see the document;
- the nature and importance of the document to patients; and
- the resources available and costs to the entity.

*courts will almost never consider costs to the entity to be a valid consideration in failing to translate a document, and thus stated that providers should only consider the first three factors.

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Translation Services

- Difficult to find qualified translators
- Quality translations are costly
- Ensure using qualified translator/translation services
 - (ATA, Vendors)
 - General Consent for Surgery
 - 2 page document
 - 3625 words x .20/word = \$725

For languages of lesser diffusion, prices can go up.

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Poll

In the case of a true emergency, I can use Google Translate to help me communicate with my patient.

True

False

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Translations/Apps



The British Medical Journal (BMJ) reviewed Google Translate's ability to perform language translations in a paper titled, "Use of Google Translate in Medical Communication: Evaluation of Accuracy" and found the [accuracy of translating medical documents to be less than 58%, with some errors being potentially life threatening](https://doi.org/10.1136/bmj.g7392). BMJ 2014; 349 doi: <https://doi.org/10.1136/bmj.g7392> (Published 15 December 2014)
Cite this as: BMJ 2014;349:g7392 *Against Hospital Policy

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Jimmy Fallon



I'm in love with your body
I like that cadaver



Close your eyes, make a wish
Shut your face, pray for dreams



What doesn't kill you makes you stronger
If you don't kill it then it's too strong



I can't feel my face when I'm with you
In your presence my front is not felt

[Kelly-Clarkson](#)

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Medical Google Results

- Your husband's heart was attacked
Your husband had a heart attack
- Your mother needs to be aired
Your mother needs to be ventilated
- Your wife cannot fall over
Your wife is stable
- The doctor told the patient that he was constipated
The doctor told the patient that he had a cold

Here at UNC

- when to call the United States
When to call US
- Return to Erectile Dysfunction if things worsen (6 yr. old)
Return to the ED if things worsen
- Welcome to our Rehearsal
Welcome to our Practice

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What You Should Do

- ❖ Have your bilingual and interpreting skills tested

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- ❖ In order to be fully compliant and meet our moral and legal obligation to provide an interpreter, **do not use family members, children and/or friends to interpret** for the patient or physician but contact Interpreter Services instead

- ❖ Document who you have worked with

[Be Prepared](#)



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Questions

Our intranet website

<http://intranet.unchealthcare.org/intranet/hospitaldepartments/interpretive>

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Ask any UNC medical interpreter



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