



CLINICAL POLICY

Interpreters/Language Access for Persons Who are Limited English Proficient (LEP, Deaf or Hard of Hearing

A. EFFECTIVE DATE :

11/15/21

B. PURPOSE :

To ensure that Limited English Proficient (LEP), deaf or hard of hearing persons have equal access to all services of UConn Health through effective communication and collaboration.

C. POLICY :

All LEP, deaf and hard of hearing patients and their companions will be advised of their right to have qualified medical interpreters provided in their preferred language, at no cost to them. This is to maintain compliance with state and federal legislation and accrediting agency guidelines pertaining to interpreter services.

D. SCOPE :

This policy applies to all areas of UConn Health and all patients/companions, without exception.

E. DEFINITIONS :

Ad hoc interpreter- An untrained person who is called to interpret at the patient's and/or their companion's request, or in the event of an emergent medical situation in which waiting for an interpreter would delay the delivery of care.

Auxiliary Aids and Services- any means allowing for effective communication with a deaf or hard of hearing patient or companion, including, but not limited to qualified sign language interpreting services, either in person or through remote devices, as well as amplification devices, closed captioning, exchange of written notes, and any other technology as it becomes available.

Companion includes:

- a. A person a patient designates to communicate with UConn Health on his or her behalf regarding the patient's condition or care to help the patient act on the information, advice or instructions provided;
- b. A person legally authorized to make health care decisions on behalf of the patient; or
- c. Such other family member, friend, associate of a patient who, along with the patient, is an appropriate person with whom UConn Health should communicate.

Limited English Proficiency (LEP) - A person with Limited English Proficiency is an individual (may be a patient or a companion) whose primary language is other than English and who has a limited ability to read, write, speak or understand English. The assistance of an interpreter may be required for communication to be fully effective.

Over the Phone Interpreting (OPI) - A telephone interpreter service with professionally trained and tested interpreters.

Qualified interpreter- A person who has been assessed for their fluency in both English and the language of the non-English speaker, who is proficient in the skills and ethics of interpreting and is knowledgeable about specialized medical terms and concepts. Bilingual staff serving as interpreters within UConn Health must have documentation of a passing score on an interpreter skills test and have received training on the National Code of Ethics and Standards of Practice from the National Council on Interpreting in Health Care.

Translator- A qualified person who translates written documents from one language into another, requiring expertise in writing skills in both languages.

TTY- A telecommunication device that transmits and receives typewritten messages when used in conjunction with a standard telephone

TTY Relay Service- A service that enables non-text telephone users to communicate with a Deaf or Hard of Hearing person using a TTY. The Connecticut Relay Service can be accessed by calling 1-800-833-8134, and give the communications assistant the phone number of the Deaf or Hard of Hearing person that you wish to call.

Videophone- A device which is *not* utilized for interpretation, but which is available to a deaf or hard of hearing person to communicate using sign language, either directly to other videophones or to any hearing person through an interpreter with the Video Relay Service. Videophones are located in several buildings on the main campus and can also be accessed through Nursing Supervisors for inpatients.

Video Relay Service (VRS)- A service that enables communication through a standard phone line with a Deaf or Hard of Hearing person using sign language through a video phone. This free service can be accessed by calling 1-866-327-8877, and give the interpreter the phone number of the Deaf or Hard of Hearing person.

Video Remote Interpreter (VRI) – An interpreter from a remote location utilizing videoconferencing equipment to interpret for persons who are in the same room. In certain circumstances, VRI can be an effective method of providing interpreting services. Be advised that VRI is not appropriate for every person who is deaf or hard of hearing.

Refer to **Section I** below for performance standards

F. MATERIAL(S) NEEDED :

Dual handset or wireless preprogrammed OPI phones

G. PROCEDURE :

Determination of the need for interpreter services begins with the patient's first contact with UConn Health.

1. **All UConn Health staff members** making initial telephone or in-person contact with patients and/or caregivers will ask the patient, "*In what language would you like to receive your care and medical/dental instructions?*" and complete the Preferred Language Field in the patient registration system. Staff may not request patients' friends or family members to interpret.

2. **The reception staff member in an outpatient setting** will review the patient's Preferred Language with the patient to confirm if it reflects the language the patient would like to receive their care in. If other than English and the offer of free interpreting services is accepted, over the Phone Interpreting (OPI) will be activated for LEP persons; VRI or in-person qualified interpreter for those who are Deaf or Hard of Hearing.

3. **The Interpreting Services Office** is responsible for providing sign language interpreters during business hours for medical requests. Dental interpreting needs are arranged through Dental Clinic Administration.

4. **UConn Health operators** will be contacted 24/7 for any urgent interpreter needs. The Operator is responsible to:

- Assist with connection to OPI interpreters if using a non-programmed phone.
- Maintain a list of qualified interpreters showing their names, phone numbers, qualifications and hours of availability
- Page the appropriate sign language interpreter on staff to interpret, if one is available
- For Deaf/HOH interpreting needs, if a qualified staff interpreter is not available, UConn Health has contracted with several agencies to provide interpreter services. The UConn Health operator will request an in-person interpreter. Dental Administration will request an in-person interpreter when needed for dental patients.

5. **UConn Health personnel** shall make a qualified interpreter available to the patient or companion as soon as practicable from the determination that a qualified interpreter is necessary for effective communication. For Deaf/HOH persons this must be no later than (a) two (2) hours when an onsite interpreter will be provided, or (b) within twenty-five (25) minutes when providing an interpreter through VRI. Any delays in service should be immediately reported to the Compliance Coordinator Designee via UConn Health operator at 860-679-2626 and documented in the patient's medical record.

6. **Appropriate personnel** will complete an assessment, in consultation with the Deaf/HOH patient and/or companion, to determine which auxiliary aids or services are necessary to provide effective communication. Assessment is based on the nature of services and the specific facts and circumstances of each encounter, including the expressed preference of the Deaf/HOH patient and/or companion, which shall be honored unless another equally effective means of communication is available.

7. **All Clinical Providers** will utilize a qualified interpreter when a LEP or Deaf/HOH patient (or companion, when also in the role of patient representative) signs an informed consent, regardless of the patient's and/or companion's refusal of services.

8. **Inpatient staff** will review patients' Preferred Language upon admission, offer interpreter services free of charge and update the patient's language fields in the patient registration system.

a. The JDH Hospital "*Interpreter Needed?*" Patient List will be reviewed regularly to assure continuity and accuracy of interpreter needs.

b. The department staff will ensure that all involved in the care of the patient are aware of interpreter needs.

c. An OPI phone or VRI will be made available to the patient.

9. **The clinician and/or staff person administering healthcare** will confirm that the determination of services is documented in the medical record and patient registration system and will reassess and document the effectiveness of the auxiliary aids and/or services, including asking the patient and/or companion if the method of communication is effective and documenting their response. The note must also indicate when:

- A qualified in-person interpreter is used;
- OPI telephonic interpretation is used (document interpreter ID#);
- VRI is used (document interpreter ID#)
- An ad hoc interpreter is utilized in an emergent situation;
- An ad hoc interpreter is utilized because the patient's language is not available by either face-to-face or telephonic interpretation.
- The patient refuses use of an interpreter including that the risks of declining were explained using an effective means of communication, time of declination and alternate resource used for communication.

Note patients and/or their companions may request an interpreter at any time, even if they have declined their right to an interpreter.

10. **The Civil Rights Compliance Coordinator or Compliance Coordinator Designees** will provide appropriate assistance regarding Deaf/HOH persons' immediate access to and proper use of any auxiliary aid or service required by UConn policy, including qualified interpreters. They will also assist when a preferred choice for communication is denied, assuring documentation to identify the individual making the determination, the date and time of the denial; the alternative auxiliary aid or service that was provided; and the specific reason for denying the requested auxiliary aid or service. A copy of the grievance procedure along with a written statement of determination will also be provided to the patient/companion at the time of the denial.

11. **Nonqualified interpreters and ad hoc interpreters** may not interpret, except in an emergency situation in which waiting for the interpreter would delay the delivery of care. The use of minors as interpreters is strictly prohibited, except in the case of a life threatening emergency. The treating clinician is responsible for determining that an emergency exists.

For routine care, family members or friends will not be used as interpreters unless specifically requested by that individual *after* an offer of an interpreter at no charge to the person has been made and the Risk of Declining were reviewed/documentated.

12. **Bilingual employees** may provide interpretation when they have been tested, trained and deemed qualified by the Interpreter Services Office. Department managers are responsible for assuring that only qualified employees are utilized to provide medical interpretation. A list of qualified bilingual employees will be maintained in the Interpreter Services Office and with UConn Health telephone operators.

13. **Department managers** will assure notice of the availability and procedure for requesting auxiliary aids and services are provided through notice in significant documents and communications, including posted signs in waiting rooms and lobbies.

14. **All UConn Health staff members** will utilize professional translation services for written documents. Contact the Interpreter Services Office, 860- 679-2289, or the Office for Communications for additional information about this service.

15. **All UConn Health personnel** will be provided written notice of this policy and procedure, and staff that may have direct contact with deaf or hard of hearing persons will be trained annually in effective communication, including the use of interpreters.

VRI Cart locations (if necessary):

1. JDH Emergency Department (2)
2. JDH Nursing Supervisor Office (Cardiology, Pulmonary, Radiology, Nephrology, Employee Health) Call Supervisor
3. Canton Urgent Care & Multispecialty
4. Outpatient Pavilion (3) 6E, 2
5. Dermatology at 21 South Road
6. 11 South Road- 1st floor (shares with 2nd)
7. MSI- 3rd floor
8. Southington Multispecialty – 2nd floor (shares with 1st)
9. UMG at West Hartford
10. UMG East Hartford
11. Storrs Urgent Care & Multispecialty
12. UMG Simsbury

13. UConn Health Dental Clinics (5)
14. Center for Orthodontic Care/Outpatient Pavilion 6W
15. Psoriasis Center
16. Cancer Center- Outpatient Pavilion 4W
17. Outpatient Psychiatry- Talcott Notch
18. UMG Avon
19. UMG at Willimantic
20. UMG at Putnam
21. Storrs Dental
22. Pediatric Dentistry- West Hartford

H. ATTACHMENTS :

HCH 2631 <https://health.uconn.edu/policies/wp-content/uploads/sites/28/2017/06/HCH-2631-Patient-Companion-Written-Letter-of-Denial-and-Grievance-Procedure.pdf>

I. REFERENCES :

- 45 CFR § 92 Nondiscrimination in Health Programs and Activities
- Presidential Executive Order 13166
- Americans with Disabilities Act
- Affordable Care Act of 2010 section 1557
- Section 504 of the Rehabilitation Act of 1973
- CT statute Sec.19a-490i
- CT statute Sec.46a-33a
- National Standards for Culturally and Linguistically Appropriate Services in Healthcare
- The Joint Commission Standards:
 PC – Provision of Care, Treatment and Services
 RI – Rights and Responsibilities of the Individual
 HR – Human Resources

Standards for Providing Video Remote Interpreting (VRI)

Whenever VRI is provided or used, UConn Health personnel shall ensure that VRI is provided in accordance with the following performance standards:

- Real-time, full-motion video and audio over a dedicated, high-speed, wide-bandwidth video connection or wireless connection that delivers high-quality video images that do not produce lags, choppy, blurry, or grainy images, or irregular pauses in communication;
- A sharply delineated image that is large enough to display the interpreter’s face, arms, hands, and fingers, and the participating individual’s face, arms, hands, and fingers, regardless of his or her body position;
- A clear, audible transmission of voices;
- Ensure that the interpreter providing VRI is a qualified interpreter who is capable of communicating effectively with the Patient or Companion; and
- Ensure UConn personnel are adequately trained in the use of the technology and that other involved individuals are adequately trained so they may quickly and efficiently set up and operate the VRI.

Voluntary Resolution Agreement DJ#204-14-174 OCR#14-187508

J. SEARCH WORDS :

Deaf; LEP; Limited English Proficiency; Interpreter

K. ENFORCEMENT:

Violations of this policy or associated procedures may result in appropriate disciplinary measures in accordance with University By-Laws, General Rules of Conduct for All University Employees, applicable collective bargaining agreements, the University of Connecticut Student Code, other applicable University Policies, or as outlined in any procedures document related to this policy.

L. STAKEHOLDER APPROVALS :

On File

M. COMMITTEE APPROVALS :

None

N. FINAL APPROVAL :

- | | |
|---|---------------------------|
| 1. <u>Andrew Agwunobi, MD (Signed)</u>
Andrew Agwunobi, MD, MBA
UConn Health Chief Executive Officer | <u>12/06/2021</u>
Date |
| 2. <u>Anne D. Horbatuck,</u>
Anne D. Horbatuck, RN, BSN, MBA
Clinical Policy Committee Co-Chair | <u>12/06/2021</u>
Date |
| 3. <u>Scott Allen, MD (Signed)</u>
Scott Allen, MD
Clinical Policy Committee Co-Chair | <u>11/30/2021</u>
Date |
| 4. <u>Caryl Ryan (Signed)</u>
Caryl Ryan, MS, BSN, RN
Interim Chief Operating Officer, JDH
VP Quality and Patient Services & Chief Nursing Officer | <u>11/30/2021</u>
Date |

O. REVISION HISTORY :

Date Issued: 12/5/18

Date Revised: 12/9/20, 11/15/21

Date Reviewed: 11/6/19, 12/9/20

Replaces Policies:

- 2016-04 Effective Communication with Individuals Who are Deaf or Hard of Hearing (effective 8/9/16, revised 3/15/17)
- 2017-06 Interpreters/Linguistic Access for Persons with Limited English Proficiency (effective 7/11/17)