



MEMORANDUM OF SUPPORT for A733 and S3740

TO: Members, New York State Legislature

RE: A733 and S3740 Relating to the Provision of Language Assistance Services in Hospitals and Health Centers

DATE: April 27, 2009

The International Medical Interpreter Association (IMIA), the only national trade association representing medical interpreters across the US with 2,000 members, strongly supports the enactment of Assembly bill 733, sponsored by Assembly Health Committee Chairman Richard Gottfried, and Senate bill 3740, sponsored by Senate Health Committee Chairman Thomas Duane. This urgently needed legislation would assist health providers in New York State to ensure their communication with limited English proficient (LEP) patients, by enabling federal Medicaid reimbursement for translation and interpretation services at hospitals, clinics, and community health centers.

With this letter of support we would also like to raise the issue of the language used on the bills to describe interpreting and language assistance because interpretation services refers to interpreting, and language assistance refers to speaking to patients in their language. These are two very different services that require different skills. Perhaps a clearer language would state that language services include 1) medical interpretation (conversion from one language into another by qualified interpreters who have consecutive, simultaneous, and sight translation skills) and 2) language specific provision of care (provided by bilingual health professionals or staff who are proficient in a non-English language in order to safely directly communicate with patients in their preferred language of care, without the need of a professional interpreter). In short, interpreting services refers to interpreting from one language to another and language assistance refers to speaking to patients directly in their language.

Your bills state the following:

"INTERPRETATION SERVICES" MEANS LANGUAGE ASSISTANCE SERVICES PROVIDED BY INDIVIDUALS WITH SUFFICIENT BILINGUAL SKILLS IN BOTH ENGLISH AND THE Relevant LANGUAGE TO COMMUNICATE INFORMATION NECESSARY FOR THE PATIENT TO ACCESS SERVICES AND, IN THE CASE OF INTERPRETATION SERVICES PROVIDED DURING THE COURSE OF A CLINICAL ENCOUNTER, SERVICES PROVIDED BY Individuals WITH **DEMONSTRATED COMPETENCY AND SKILLS** IN MEDICAL INTERPRETATION TECHNIQUES, ETHICS AND TERMINOLOGY, AND IN ACCORDANCE WITH APPLICABLE REGULATIONS OF THE DEPARTMENT RELATING TO INTERPRETATION SERVICES."

We are providing two samples of legislations that describe the terms in a very clear manner.

California Codes – Health and Safety Code Section 1259 - (b) As used in this section:

(1) "Interpreter" means a person fluent in English and in the necessary second language, who can accurately speak, read, and readily interpret the necessary second language, or a person who can accurately sign and read sign language.



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Interpreters shall have the ability to translate the names of body parts and to describe competently symptoms and injuries in both languages. Interpreters may include members of the medical or professional staff.



Massachusetts Chapter 66 of the Acts of 2000

Section 25 J. (a) For purposes of this section, the following words shall have the following meanings:-

"Non-English speaker", a person who cannot speak or understand, or has difficulty with speaking or understanding, the English language because the speaker primarily or only uses a spoken language other than English.

"Competent interpreter services", interpreter services performed by a person who is fluent in English and in the language of a non-English speaker, who is trained and proficient in the skill and ethics of interpreting and who is knowledgeable about the specialized terms and concepts that need to be interpreted for purposes of receiving emergency care or treatment.

Hopefully these two samples offer a clear meaning to the terms to assist with the editing of the bill to offer a more clear guidance. In our effort to advance access to quality interpreting services for Limited English proficient patients our organization urges you to pass Assembly bill 733 and Senate bill 3740.

Sincerely,

Izabel Arocha, President

&

Lourdes Sánchez, Vice-President

On behalf of the IMIA Board