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<b>Policy Area:</b>	Administrative
<b>References:</b>	
<b>Applicability:</b>	Sutter Delta Medical Center

## Disabilities: Patient/Visitors with Disabilities: Communication Assistance – ADA-4

### POLICY

Sutter Delta Medical Center recognizes its obligation to provide equal access to the services it provides. Sutter Delta Medical Center will provide, at no cost to the patient, family member, or representative, language assistance to Limited English Proficient and hearing and visually impaired persons as necessary for effective communication in connection with the treatment rendered.

It is the policy of Sutter Delta Medical Center to provide **communication assistance**, Auxiliary Aids and Services, **and** Alternative Formats for print materials, where necessary for effective communication between Sutter Delta Medical Center employees, health care providers, and persons with disabilities, particularly those who are deaf, hard-of-hearing, blind or visually, cognitively or speech impaired. This includes any communication including, but not limited to, those concerning patient care, privacy rights, confidential information conferences and health education/training sessions provided to the public. After consultation with the patient or visitor with a disability, Sutter Delta Medical Center will be responsible for identifying the format, aid or service that will provide effective communication for that person, and will use that method in communications with the patient or visitor. The term "Auxiliary Aids and Services" is defined in the Policy entitled "Patients with Disabilities: Responsibility for Accessible Facilities and Services". Sutter Delta Medical Center will not impose any fees or charges on patients or visitors with disabilities for providing any Auxiliary Aids or Services.

Notices in English, Spanish, and other languages, as appropriate, will be posted in the emergency room, the admitting area, the entrance, and the outpatient areas regarding the availability of the interpreter services described above. The Notices will advise patients of their right to file a complaint regarding the provision of language assistance services and of Sutter Delta Medical Center internal complaint procedure. The Notices will also advise patients that complaints regarding interpreter services may be directed to the California Department of Health Services and will include the Department's address and telephone number, including its TDD number for the hearing impaired.

Sutter Delta Medical Center will conduct an assessment of the communication needs of each patient served and record the patient's needs in the medical record. The assessment will include:

- Primary language or dialect
- Hearing impairment
- Sight impairment

- Need for interpreter services

Confidentiality of information will be maintained by all persons who interpret for Limited English Proficient persons and persons with hearing and visual impairment.

## PURPOSE

To identify and provide Auxiliary Aids and Services to meet the communication needs of patients and visitors with disabilities. This policy provides guidance to assure Sutter Delta Medical Center's compliance with the relevant and applicable standards set forth in California Civil Code §§ 51, *et seq.* ("the Unruh Act"), and/or 54, *et seq.* ("the Disabled Persons Act"), California Government Code § 11135, *et seq.*, Title III of the Americans with Disabilities Act, 42 U.S.C. § 12181, *et seq.*, and/or Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §§ 701, *et seq.* and/or the regulations promulgated under these statutes.

## PROCEDURE

### A. Consult with the patient or visitor:

Consult with the patient or visitor about his or her need for communication assistance and the kinds of Auxiliary Aids and Services, including alternative communication methods, or Alternative Formats, that will provide effective communication. Sutter Delta Medical Center will be responsible for identifying the Auxiliary Aid or Service that will provide effective communication of the particular information to the patient or visitor. If more than one Auxiliary Aid(s) or Service(s) would be effective to communicate particular information to the patient or visitor, Sutter Delta Medical Center may select the effective method of its choice. Sutter Delta Medical Center is not required to provide the Auxiliary Aid or Service the individual prefers if there is another method that results in effective communication, although Sutter Delta Medical Center will provide the individual the Auxiliary Aid or Service he or she prefers, if possible.

### B. **In person interpreter services for Limited English Proficient persons are provided by the following:**

Bilingual employees may be utilized to provide communication with LEP persons regarding basic instructions in activities of daily living or obtaining demographic data. Employees of Sutter Delta Medical Center will not be utilized as interpreters with respect to communication of information other than that stated above unless the employee has been determined to be fluent in English and in a second language and can accurately speak, read, and competently interpret the necessary second language. Interpreters must have the ability to completely convert items and terms for medical terminology, body parts, signs, symptoms, and medical instructions to and from English and the interpreted language.

If the patient's or patient's representative's primary language is not English, intake staff will record the patient's primary language on the patient's record.

If an interpreter is requested, Sutter Delta Medical Center staff should utilize either a bilingual staff member who has demonstrated competency as an interpreter, or the Language Line Service, whichever is appropriate.

To ensure effective and efficient utilization of the Language Line, staff is encouraged to identify the questions and information required to communicate between the patient or patient's representative and the Sutter Delta Medical Center staff prior to placing the call.

When using the Language Line, staff should utilize either a conference call, dual headset telephone or a

speaker phone. **If a speaker phone is to be used, special precautions should be taken to ensure the patient's privacy and confidentiality of medical information.**

When the use of the interpreter service is concluded, staff should state "End of Call". **The interpreter's ID number should be recorded in the patient's chart as the source of translation.**

**C. Consider the type of communication and the disability involved:**

**1. Simple Communications:**

Simple communication methods may be used where limited interaction is involved or the communication is less significant (e.g., short in duration; simple concepts; information does not need to be referenced in the future, etc.). Examples of interactions where simple communication methods would be appropriate would include situations that do not involve substantial communication (such as when blood is drawn), and when regular allergy shots are administered. Examples of methods for simple communication may include pencil and paper, lip reading, or pictures.

**2. Complicated and/or interactive communications:**

Where communication between the healthcare staff and the patient or visitor is more involved, the most effective method of communication for that person will be used. It may be necessary for Sutter Delta Medical Center to provide Auxiliary Aids and Services, such as a qualified sign language interpreter, a qualified oral interpreter, an assistive listening device, computer-assisted real time transcription, or Alternative Formats such as Braille, Large Print, audio recordings, or computer disks to ensure effective communication.

Examples of circumstances when the communication may be sufficiently lengthy and/or complex to require consideration of these or other Auxiliary Aids or Services include the following:

- Discussing a patient's symptoms and medical condition, medications, and medical history.
- Discussing or providing medication/prescription information, such as the name of the prescription, dosage, and side effects.
- Explaining medical conditions, treatment options, tests, medications, surgery and/or other procedures.
- Admissions instructions and paperwork.
- Obtaining informed consent for treatment.
- Advising about Patient's Rights.
- Discharge and other follow-up instructions.
- Providing mental health services, including group or individual counseling for patients and family members.
- Discussing powers of attorney, living wills and/or complex billing and insurance matters.
- During educational presentations, such as birthing or new parent classes, nutrition and weight management programs, and CPR and first-aid training.

**D. Examples:**

1. Examples for a deaf or hard of hearing patient or visitor:

- Sutter Delta Medical Center personnel should offer pen/pencil and paper to individuals who are deaf or hard of hearing for the purpose of communicating messages, instructions and for answering questions when appropriate.
- Written forms or information sheets may provide effective communication in situations where there is limited need for interactive communications (i.e. simple communication) such as filling out admission forms and medical history inquiries, providing billing information, etc. Pictures may also be useful where an individual has a speech disability or cognitive impairment.
- Lip reading may be useful for a short, limited period of time. Staff must confirm this method will work for a particular patient since most people do not lip read. When using this form of communication, personnel should be directly facing the patient and should provide clear, simple instructions. It may be less effective for any complex, lengthy and/or complicated conversation.

For more information on use of specific Auxiliary Aids & Services, see Appendix A in this policy.

## 2. Examples for a visually impaired or blind patient or visitor:

- Sutter Delta Medical Center personnel should provide specific oral cues for simple instructions and for answering questions when appropriate. Where written communication or signage is relied upon, oral information may need to be provided. Staff should provide this in a way that allows for patient privacy.
- Instructions may need to be provided in large print (for persons with some vision) which may be a Sans Serif or Arial font of 18 points or larger, verbally by staff or through audio recording, Braille, or computer disk when appropriate.

Consents, forms, and other information may be read to the patient or his or her representative, as appropriate, consistent with the patient's privacy rights. However, staff may not require that the patient bring a representative to the hospital with him/her, and may not rely on any adult accompanying the patient with a disability to interpret or facilitate communication, unless it is an emergency situation or the patient has specifically requested that the accompanying adult interpret or facilitate communication, the accompanying adult agrees to provide such assistance, and reliance on that adult for such assistance is appropriate under the circumstances.

- Any written information must be read to the person with a visual impairment completely, effectively, accurately, and impartially. However, the information should also be offered in an Alternative Format for the patient's personal record keeping. Staff should request that the patient sign the form if the patient agrees to the terms and conditions. The staff member shall document the agreement by including the phrase, "I have accurately and completely read the foregoing document to (insert patient's name). He/she orally stated that he/she understood all of the terms and conditions and acknowledged his/her agreement by signing the document in my presence".

### E. Examples for a patient or visitor with a speech or cognitive disability:

- In addition to the options for written communication described above, pictures may be useful where an individual has a speech disability or cognitive impairment.
- Allow extra time during the appointment for communication between the provider and patient.

## • Time Frame:

### A. Alternative Formats for persons with visual impairments:

- Alternative Formats for persons with visual impairments will be made available within a reasonable time frame to ensure effective communication. Requests for Alternative Formats that cannot be

provided by Sutter Delta Medical Center at the time the request is made, to the extent possible, will be transmitted to Sutter Delta Medical Center Alternative Format vendor by the close of business on the day of the request, and Sutter Delta Medical Center will request that the vendor produce and send the materials to the patient within a reasonable timeframe of transmittal of the request to the vendor.

**B. Auxiliary Aids and Services for persons with hearing impairments:**

- **For a scheduled appointment:** When an individual requests an interpreter, at least 24 hours in advance of the time when the services of the interpreter are required, Sutter Delta Medical Center will make an interpreter available at the time of the scheduled appointment or need.
- **For an emergency:** In the event of an **emergency**, Sutter Delta Medical Center will use reasonable efforts to assure communication assistance is available as soon as practicable given the circumstances.
- Absent events outside the control of Sutter Delta Medical Center, such as severe weather problems, unanticipated illness or injury of the interpreter while en route, and unanticipated transportation problems the time within which the interpreter is provided will be no more than the following:
- **For video interpreting or on-site interpreter:** 90 minutes from the time the request is made if the service is provided through video interpreting services or a qualified interpreter who is on site at the time of the request or need for an interpreter.
- **For contract interpreting services or off-site interpreter:** 24 hours for non-emergency requests, if the service is provided through a contract interpreting service or a qualified interpreter who is located off-site at the time the need arises.

Between the time when an interpreter is requested and when an interpreter is made available, personnel will continue to try to communicate with a person with a disability for such purposes and to the same extent as they would have communicated with the person but for the disability, using the most effective means of communication available, particularly written notes and/or sign language pictographs. During this time, personnel should also keep individuals with disabilities apprised of the status of the expected arrival of an interpreter or the delivery of other requested or anticipated auxiliary aids and services

If services are unavailable or there is a difficulty finding appropriate service for an identified need, **go up your chain of command** until services can be found.

• **Use of family members, companions or minors:**

Use of family members, companions, or any minor as interpreters is discouraged, except for the most - extraordinary circumstances, such as medical emergencies. Use of any of these individuals may violate - patient confidentiality or may compromise care. However, patients may request such services and give - permission to the health care team to share information with any of those individuals. Staff will record such - permission in the patient's records. -

• **Patient's Request for specific service:**

Sutter Delta Medical Center does not charge a fee for Auxiliary Aids and Services that it provides. However, patients may elect to provide their own communication aids and/or interpreters at their own cost to assist them while obtaining services from Sutter Delta Medical Center.

• **Refusal of Offered Interpreter Services**

- A. If the Limited English Proficient or hearing impaired person declines the offer of interpreter services and instead requests that another person serve as his or her interpreter, Sutter Delta Medical Center may use such other person as an interpreter if its staff reasonably feel that the person is willing and able to provide effective communication and that such provision of interpreter services are appropriate to the situation.
- B. Any refusal of the offered interpreter services must be documented in the medical record. Such documentation must include the name of the person serving as an interpreter at the patient's or patient representative's request, and his/her relationship to the patient or patient's representative.

**Education and Training**

All patient care staff are required to be trained on this policy upon initial hire, and annually.

**MORE INFORMATION AND RESOURCES**

- See Appendix C for how to access Translation Services Resources on the Intranet
- For more information about this policy, contact Director Facilities and Guest Services at Sutter Delta Medical Center.
- For Sign Language Interpretation services the primary contact is **International Effectiveness**, call 866-788-4149. The secondary contact is **American Sign Language Interpreter Services**, call 800-292-9246
- For **Assistive Listening Systems** (Pocket Talkers), call the Nursing Supervisor.
- For an **Amplified Telephone Handset**, call the TTY phone or the Nursing Supervisor.
- For a **Braille, Large Print or audio format** provider, call: **Braille, Large Print or Audio format not available at this time.**

**Refer to Appendix A "Use of Specific Auxiliary Aids and Services" for information on the use of specific Auxiliary Aids and Services for persons with Sensory Disabilities Refer to Appendix B for Guidance on the Use of Video Relay.**

**Resolution of Patient Complaints**

1. Patients have the right to file a complaint regarding the provision of language assistance services. Notices posted in emergency room, the admitting area, the entrance and in outpatient areas will inform patients of *Sutter Delta Medical Center* internal complaint resolution procedure. The Notices will also advise patients of how to file a complaint with the appropriate government agency regarding the provision of language assistance services to Limited English Proficient persons or to persons who are hearing or visually impaired.

**Monitoring of Language Assistance Policy**

1. The Risk Manager will conduct regular (at least annual) monitoring of the Language Assistance Program and review of the Language Assistance Policy and Procedure. Revisions will be made to the Policy and Procedure as necessary to ensure that Limited English Proficient persons, and persons with hearing and visual impairments, have meaningful access to services provided by Sutter Delta Medical Center.

All revision dates: -

6/1/2012, 12/1/2011

**Attachments:**

-  [APPENDIX A: Use of Specific Auxiliary Aids and Services for Persons Who Are Deaf, Hard Of Hearing or Have a Speech Disability](#)
-  [APPENDIX B: Guidance on Use of Video Remote Interpreting](#)

	<b>Committee</b>	<b>Approver</b>	<b>Date</b>
	Strategic Management Council	Kathy Smith: Administrative Assistant	10/28/2015
	Management Council	Kathy Smith: Administrative Assistant	10/28/2015
	Board of Trustees	Kathy Smith: Administrative Assistant	2/23/2016