

COMMUNICATION

BREAKDOWN

***THE LACK OF LANGUAGE ASSISTANCE SERVICES,
WIDESPREAD NATIONAL ORIGIN DISCRIMINATION AND
CIVIL RIGHTS ABUSES PREVENT IMMIGRANT NEW
YORKERS FROM ACCESSING QUALITY MEDICAL CARE AT
JAMAICA HOSPITAL***

A report by
Make the Road by Walking



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"COMMUNICATION BREAKDOWN" - ABOUT THIS REPORT:

For years, immigrant New Yorkers have suffered from inadequate translation and interpretation services at New York City's public and private hospitals. The 2000 Census reports that 47% of all New York City households speak a language other than English in the home. One out of every four New Yorkers do not speak English. As the City's demographics have shifted over the years, complaints about access to health care for immigrants have intensified.

During the fall of 2004, Spanish-speaking members and organizers from Make the Road by Walking interviewed 40 Limited English Proficient (LEP) patients at Jamaica Hospital to ascertain the scope of the problem.

Communication Breakdown summarizes the results of these interviews, and includes a brief summary of the City, State and federal laws that require language assistance services for LEP New Yorkers.

MAKE THE ROAD BY WALKING:

Make the Road by Walking is a membership-led organization. We promote economic justice and participatory democracy by increasing low-income people's power to achieve self-determination through collective action. Our multi-faceted approach includes:

Organizing and Activism to build a stronger community, to make governing institutions subject to democratic community control, and to mobilize resistance to oppression based on race, class, gender, age, national origin, and sexual orientation.

Collaborative Learning to share ideas and experiences, to analyze the root causes of the problems we face, and to strategize about how we can take action together to resolve these problems in a way that values the voice, perspective and contribution of every person.

A Community of Support to provide badly needed services to members and leaders, to draw people into our educational and organizing activities, and to affirm an ethic of cooperation, mutual support, dignity and *animo*.

SUMMARY OF MAJOR FINDINGS

Of the 40 LEP Spanish-speaking patients at Jamaica Hospital interviewed:

- **85%** (34 patients) reported that they are unable to communicate with their doctor because neither their doctor nor their doctor's staff speak Spanish;
- **90%** (36 patients) reported that they never had received informational materials from their doctor in a language that they could understand;
- **73%** (29 patients) reported that they had never been informed of their right to receive free translation and/or interpretation services at the hospital;
- **80%** (32 patients) reported that they were confused about their medical treatment
- **43%** (17 patients) reported that they needed to find their own interpreter, either by bringing someone with them to the hospital or by asking another patient from the waiting area to help them;
- **50%** (20 patients) reported that they felt discriminated against by the hospital;
- **60%** (24 patients) reported that they felt humiliated by the treatment they received at the hospital.

SAMPLE SURVEY INSTRUMENT IN ENGLISH

Interviewed By _____ Hospital: _____ Date: _____

1) Are you or a close family member currently receiving care from Jamaica Hospital, or have you or a close family member recently received care there?

YES A family member does NO

2) Do you or your family member who is receiving care feel comfortable speaking English when it comes to discussing medical matters?

YES NO

3) Do you or your family member who is receiving care feel comfortable reading English?

YES NO

4) What language/s do you or your family member feel comfortable speaking when it comes to medical matters?

5) What language/s do you or your family member feel comfortable reading? _____

6) Does your or your family member's doctor at this hospital speak your language or does he or she have an assistant or an interpreter who speaks your language?

YES NO

7) Does your or your family member's doctor at this hospital provide you with informational materials in a language that you can read?

YES NO

8) Has any hospital employee ever informed you of your right to translation or interpretation services at the hospital?

YES NO

9) If you or your family member did not receive language assistance services (interpretation or translation) what were the consequences:

___ You or your family member were confused about the patient's medical treatment

___ You or your family member needed to bring or look for someone to interpret

___ You or your family member's medical treatment was affected. How?

___ You or your family member's health was affected. How?

___ You or your family member felt humiliated

___ You or your family member felt discriminated against

___ You had problems with billing, making appointments, getting referrals, or using the pharmacy

___ Anything else?

10) If in the future we need to ask any additional questions, can we contact you? YES NO

11) Name: _____ Telephone #: _____

THE COST OF JAMAICA HOSPITAL'S FAILURE TO PROVIDE FEDERALLY-MANDATED LANGUAGE ASSISTANCE SERVICES IS HIGH FOR THOUSANDS OF VULNERABLE NEW YORK FAMILIES:

Nancy H. witnessed repeated failures in language assistance services in the Jamaica Hospital emergency room in the Spring and Fall of 2004. In one incident in November 2004, Ms. H. was in the emergency room with a relative, when her sister was called upon to interpret for another patient who was in the waiting room. In order to receive treatment, the patient was forced to disclose her private and protected medical information to Nancy H.'s sister. According to Nancy H., it appeared that other patients in the waiting area overheard the interview, since that is where it took place. Nancy H. has witnessed other patients at Jamaica Hospital attempt unsuccessfully to communicate in a language other than English with Jamaica Hospital staff. She has also witnessed non-English speaking persons appear to experience difficulty navigating the hospital complex, at least in part due to the lack of information or signage in languages other than English. While at the hospital with her mother, Ms. H. has interpreted for limited English proficient patients who stated they were lost while trying to get around the hospital.

Jacqueline, a native Spanish-speaker, is limited English proficient. She is a regular patient at Jamaica Hospital. In November 2004, she was in a Jamaica Hospital clinic, and all the signs were in English, although some of the forms were in English and Spanish. The hospital staff searched for an interpreter for Jacqueline, but was unable to locate one. After a long wait, the hospital finally asked another patient in the waiting room to interpret for her. In order for Jacqueline to receive medical care that day, she was forced to disclose her personal and protected medical information to the other patient, who was a stranger.

Catalina O. does not speak or read English; she is a Spanish speaker. In February 2004, Catalina O. had to wait approximately five hours in the radiography section of Jamaica Hospital before an interpreter could be located. Finally, the hospital located a doctor who could speak Spanish for Ms. O.

Ricardo U. is limited English proficient; he is a native Spanish speaker. He has visited both Jamaica and Bellevue Hospitals, and has observed a significant difference between the two facilities. At Bellevue, he is always asked about language needs when he first arrives. He gets interpretation services at Bellevue without any difficulty. When an interpreter cannot be found quickly, Bellevue provides dual handset phones for Mr. U. so that he may communicate his medical needs to the staff through a telephone interpreter. At Jamaica, however, Mr. U. has witnessed significant problems in communicating with hospital staff. When his mother, who is also limited English proficient, was hospitalized at Jamaica Hospital from late December through mid-January, it was difficult for her to get interpretation services. Currently, letters relating to follow-up appointments are sent to the family in English only. In the fourth floor physical therapy area, Mr. U. and his mother have had extensive trouble getting interpretation services during regular appointments.

Inocencia R. is limited English proficient; she is a Spanish speaker. Ms. R. has repeatedly had difficulty with obtaining interpretation services in the emergency room of Jamaica Hospital. When Ms. R. needs to go to the hospital, she has learned to bring a friend or family member who can interpret for her in obtaining prompt assistance. On those occasions when she has been unable to provide her own interpreter, she has been forced to endure long waits in the emergency room without anyone helping her. Ms. R. has observed other Spanish speakers who have had the same difficulty in obtaining assistance in the emergency room. In early January 2005, Ms. R. became dizzy and had to go to the hospital without her own translator. She reported feeling like she was "treated like a dog," and that "no one paid attention to [her]."

THE LEGAL REQUIREMENTS:

There are federal, state and local laws that guarantee LEP persons access to interpreters and translators in hospitals.

- **Title VI of the Civil Rights Act of 1964** is the oldest of these laws. Passed almost forty years ago, this law prohibits hospitals that receive federal money from discriminating against persons based on race, national origin or color. Title VI requires hospitals to ensure that all individuals have meaningful access to their programs and services. Under Title VI, hospitals must provide LEP persons with interpretation and translation services so that they, like English-speakers, can access the hospital's services.
- On the state level, the **New York State Public Health Law** requires hospitals to ensure effective communication between doctors and patients. In 1986, the New York State Department of Health created regulations, called the Patients' Bill of Rights, which requires hospitals to establish a system that will provide interpreters and translators to LEP persons living in their service areas.
- On the city level, the New York City Council passed the City Emergency Room Interpreter Law in 1986. This law requires hospitals to have interpreters available for persons who are admitted in the emergency room.

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