
Opportunities and Challenges for Policy Developments

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National Health Law Program

- NHeLP is a national, non-profit law firm working on health care access and quality
- With the generous support of The California Endowment, NHeLP began the National Language Access Advocacy Project in 2003

The Elephant in the Room

- Title VI has been in existence since 1964
- But
 - Lack of enforcement
 - Lack of knowledge
 - Limitations due to court actions
- So if we have it but can't use it, what else do we have?

The Federal Stage – Congress

- Patient Navigator Outreach and Chronic Disease Prevention Act of 2005
- Ryan White HIV/AIDS Treatment Modernization Act
- Homeland Security Appropriations Bill – FEMA
- Minority Health Improvement and Health Disparity Elimination Act (Senate)

The States – a Better Stage

- More and more states are enacting laws/policies to expand language access
- The carrot rather than the stick – little focus on enforcement but other deterrents
- Title VI has broad scope but these laws draw more focus

The States – a Better Stage

- 43 states have language access laws
 - comprehensive
 - targeted (e.g. emergency room, hospital)
- NJ, CA and WA have laws requiring cultural competency continuing education for health professionals
- Some states moving towards health care interpreter certification
- 13 states provide Medicaid reimbursement
 - DC, HI, ID, KS, MA, ME, MN, MT, NH, UT, VA, VT, WA (NC and TX forthcoming)

State Activities

- CA – private insurers, C&L data collection
- NY – new hospital regulations
- DC – Medicaid managed care contracts
- Migration trends may create new opportunities in new states

Language Access at the Federal Level

- National Coalition convened by NHeLP
- Participants – health care provider organizations, advocates, language companies, interpreters and interpreter organizations, accrediting organizations
- Goals – to develop a consensus-driven agenda to improve policies and funding for access to quality health care for LEP individuals

Coalition's Activities

- Statement of Principles endorsed by over 70 organizations
 - represent a consensus for a framework to ensure that language barriers do not affect health outcomes
 - to articulate the critical importance of effective communication with LEP populations in providing quality public health programs and health care services

Coalition's Activities

- The Language Services Resource Guide for Healthcare Providers
 - includes information about conducting a language services needs assessment, language services resource locator (including information on interpreter associations and language companies), training programs, multilingual resources, and healthcare symbols
- HRET/NHeLP national survey of hospitals
- CBPP/NHeLP issue brief on Medicare and language services

2007 and Beyond – Federal

- Elections – an unknown outcome
- Minority Health bill
- Focus on quality of care and pay for performance
- But tight budgets make new funding difficult
- And interplay with immigration debate

2007 and Beyond – State

- Better fiscal picture = potentially more \$
- But anti-immigrant sentiment and English-as-national-language movement

Where do we go from here?

- Explore potential for new state and federal laws and policies
- Link to quality of care to change the debate – healthcare is different
- Good policies aren't enough – implementation, monitoring and, as needed, enforcement
- The demographic changes won't stop so change is likely inevitable