

ASSEMBLY BILL

No. 389

Introduced by Assembly Member Chau

February 18, 2015

An act to amend Section 1259 of, and to add Section 128731 to, the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 389, as introduced, Chau. Hospitals: language assistance services.

(1) Under existing law, the State Department of Health Care Services licenses and regulates general acute care hospitals, as defined. Existing law requires those hospitals to adopt and review annually a policy for providing language assistance services to patients with language or communication barriers, as defined. Existing law requires a hospital to annually transmit to the department a copy of its updated policy and to include a description of its efforts to ensure adequate and speedy communication between patients with language or communication barriers and staff.

This bill would require a general acute care hospital and the department to make the hospital's updated policy available to the public on their respective Internet Web sites. The bill would also, if another technology emerges that replaces Internet Web sites, require the department, by regulation, to require a general acute care hospital to make its updated policy available through that subsequent technology. The bill would also require the department to make that policy available through that new technology.

(2) Existing law creates the Office of Statewide Health Planning and Development, prescribes the office's powers and duties, and designates

the office as the single state agency to collect specified data from health facilities and clinics for use by all state agencies.

This bill would require a general acute care hospital to annually file with the office the policy described in (1) above for providing language assistance services to patients with language or communication barriers. The bill would require the office to make that policy available to the public on the office’s Internet Web site or through a subsequent technology that replaces Internet Web sites.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1259 of the Health and Safety Code is
 2 amended to read:
 3 1259. (a) (1) The Legislature finds and declares that California
 4 is becoming a land of people whose languages and cultures give
 5 the state a global quality. The Legislature further finds and declares
 6 that access to basic health care services is the right of every resident
 7 of the state, and that access to information regarding basic health
 8 care services is an essential element of that right.
 9 ~~Therefore,~~
 10 (2) *Therefore*, it is the intent of the Legislature that ~~where~~ *when*
 11 language or communication barriers exist between patients and
 12 the staff of any general acute care hospital, arrangements shall be
 13 made for interpreters or bilingual professional staff to ensure
 14 adequate and speedy communication between patients and staff.
 15 (b) As used in this section:
 16 (1) “Interpreter” means a person fluent in English and in the
 17 necessary second language, who can accurately speak, read, and
 18 readily interpret the necessary second language, or a person who
 19 can accurately sign and read sign language. Interpreters shall have
 20 the ability to translate the names of body parts and to describe
 21 competently symptoms and injuries in both languages. Interpreters
 22 may include members of the medical or professional staff.
 23 (2) “Language or communication barriers” means:
 24 (A) With respect to spoken language, barriers ~~which~~ *that* are
 25 experienced by individuals who are limited-English-speaking or
 26 non-English-speaking individuals who speak the same primary
 27 language and who comprise at least 5 percent of the population of

1 the geographical area served by the hospital or of the actual patient
2 population of the hospital. In cases of dispute, the state department
3 shall determine, based on objective data, whether the 5 percent
4 population standard applies to a given hospital.

5 (B) With respect to sign language, barriers~~which~~ *that* are
6 experienced by individuals who are deaf and whose primary
7 language is sign language.

8 (c) To ensure access to health care information and services
9 for limited-English-speaking or non-English-speaking residents
10 and deaf residents, licensed general acute care hospitals shall:

11 (1) Review existing policies regarding interpreters for patients
12 with limited-English proficiency and for patients who are deaf,
13 including the availability of staff to act as interpreters.

14 (2) (A) Adopt and review annually a policy for providing
15 language assistance services to patients with language or
16 communication barriers. The policy shall include procedures for
17 providing, to the extent possible, as determined by the hospital,
18 the use of an interpreter whenever a language or communication
19 barrier exists, except~~where~~ *when* the patient, after being informed
20 of the availability of the interpreter service, chooses to use a family
21 member or friend who volunteers to interpret. The procedures shall
22 be designed to maximize efficient use of interpreters and minimize
23 delays in providing interpreters to patients. The procedures shall
24 ensure, to the extent possible, as determined by the hospital, that
25 interpreters are available, either on the premises or accessible by
26 telephone, 24 hours a day. The hospital shall~~annually make the~~
27 *updated policy available to the public on its Internet Web site. If*
28 *another technology emerges that takes the place of Internet Web*
29 *sites, the state department shall direct the hospital, by regulations*
30 *adopted pursuant to the rulemaking procedures of the*
31 *Administrative Procedure Act (Chapter 3.5 (commencing with*
32 *Section 11340) of Part 1 of Division 3 of Title 2 of the Government*
33 *Code), to make the information required pursuant to this section*
34 *available through the subsequent technology.*

35 (B) *The hospital shall annually transmit to the state department*
36 *a copy of the updated policy and shall include a description of its*
37 *efforts to ensure adequate and speedy communication between*
38 *patients with language or communication barriers and staff. The*
39 *department shall make the updated policy available to the public*
40 *on its Internet Web site. If another technology emerges that*

1 *replaces Internet Web sites, the department shall make the*
2 *information required pursuant to this section available through*
3 *that subsequent technology.*

4 (3) Develop, and post in conspicuous locations, notices that
5 advise patients and their families of the availability of interpreters,
6 the procedure for obtaining an interpreter and the telephone
7 numbers where complaints may be filed concerning interpreter
8 service problems, including, but not limited to, a T.D.D. number
9 for the hearing impaired. The notices shall be posted, at a
10 minimum, in the emergency room, the admitting area, the entrance,
11 and in outpatient areas. Notices shall inform patients that interpreter
12 services are available upon request, shall list the languages for
13 which interpreter services are available, shall instruct patients to
14 direct complaints regarding interpreter services to the state
15 department, and shall provide the local address and telephone
16 number of the state department, including, but not limited to, a
17 T.D.D. number for the hearing impaired.

18 (4) Identify and record a patient's primary language and dialect
19 on one or more of the following: patient medical chart, hospital
20 bracelet, bedside notice, or nursing card.

21 (5) Prepare and maintain as needed a list of interpreters who
22 have been identified as proficient in sign language and in the
23 languages of the population of the geographical area serviced who
24 have the ability to translate the names of body parts, injuries, and
25 symptoms.

26 (6) Notify employees of the hospital's commitment to provide
27 interpreters to all patients who request them.

28 (7) Review all standardized written forms, waivers, documents,
29 and informational materials available to patients upon admission
30 to determine which to translate into languages other than English.

31 (8) Consider providing its nonbilingual staff with standardized
32 picture and phrase sheets for use in routine communications with
33 patients who have language or communication barriers.

34 (9) Consider developing community liaison groups to enable
35 the hospital and the limited-English-speaking and deaf communities
36 to ensure the adequacy of the interpreter services.

37 (d) Noncompliance with this section shall be reportable to
38 licensing authorities.

39 (e) Section 1290 shall not apply to this section.

1 SEC. 2. Section 128731 is added to the Health and Safety Code,
2 to read:

3 128731. (a) A licensed general acute care hospital shall
4 annually file with the office a policy for providing language
5 assistance services to patients with language or communication
6 barriers required pursuant to paragraph (2) of subdivision (c) of
7 Section 1259.

8 (b) The office shall make the hospital policy available to the
9 public on the office's Internet Web site. If another technology
10 emerges that replaces Internet Web sites, the office shall make the
11 hospital policy available through that subsequent technology.