

# **BREAKING THE** **BARRIER:**

***IMPROVEMENTS IN LANGUAGE ASSISTANCE SERVICES  
ARE ALLEVIATING CIVIL RIGHTS ABUSES AND PROMOTING  
IMPROVED ACCESS TO MEDICAL CARE AT WOODHULL  
MEDICAL AND MENTAL HEALTH CENTER AND WYCKOFF  
HEIGHTS MEDICAL CENTER. SIGNIFICANT BARRIERS,  
THOUGH, CONTINUE TO EXIST.***

A report by  
Make the Road by Walking



June 2004

## **"BREAKING THE BARRIER" - 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 2001 and 2002, Spanish-speaking members and organizers from Make the Road by Walking interviewed Limited English Proficient (LEP) patients at Woodhull Medical and Mental Health Center and Wyckoff Heights Medical Center to ascertain the scope of the problem. We were dismayed to find that patients reported widespread problems. Make the Road by Walking filed a complaint against both hospitals with the Civil Rights Division of the New York State Attorney General. Both hospitals signed comprehensive corrective action agreements with New York State in March of 2003.

One year later, Make the Road by Walking returned to both hospitals to interview Limited English Proficient Patients. We sought to investigate whether or not the reforms put in place by each hospital in response to our civil rights complaints were helping limited English proficient New Yorkers to access and understand their health care at these facilities.

*Breaking the Barrier* 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 *animus*.

## ***SUMMARY OF MAJOR FINDINGS AT WOODHULL***

---

Of the 40 limited English proficient Spanish-speaking patients at Woodhull Medical and Mental Health Center interviewed:

- **53%** reported that they are unable to communicate with their doctor because neither their doctor nor their doctor's staff speaks Spanish. This is a drastic improvement over the **79%** who reported this problem in 2002.
- **38%** reported that they never had received informational materials from their doctor in a language that they could understand. This is a drastic improvement over the **74%** who reported this problem in 2002.
- **50%** reported that they had not been informed of their right to receive free translation and/or interpretation services at the hospital. This is a drastic improvement over the **83%** who reported this problem in 2002.
- **55%** reported that they were confused about their medical treatment, as opposed to **61%** who reported this problem in 2002.
- **48%** reported that they had to bring a friend or family member to medical appointments to interpret for them, as opposed to **67%** who reported this problem in 2002.
- **30%** reported that they felt discriminated against by the hospital, as opposed to **37%** who reported this problem in 2002.

## ***SUMMARY OF MAJOR FINDINGS AT WYCKOFF***

---

Of the 28 limited English proficient Spanish-speaking patients at Wyckoff Heights Medical Center interviewed:

- **57%** reported that they are unable to communicate with their doctor because neither their doctor nor their doctor's staff speaks Spanish. This is an improvement over the **81%** who reported this problem in 2002.
- **57%** reported that they never had received informational materials from their doctor in a language that they could understand. This is an improvement over the **68%** who reported this problem in 2002.
- **57%** reported that they had not been informed of their right to receive free translation and/or interpretation services at the hospital. This is a drastic improvement over the **87%** who reported this problem in 2002.
- **46%** reported that they were confused about their medical treatment, as opposed to **68%** who reported this problem in 2002.
- **36%** reported that they had to bring a friend or family member to medical appointments to interpret for them, as opposed to **71%** who reported this problem in 2002.
- **36%** reported that they felt discriminated against by the hospital, as opposed to **28%** who reported this problem in 2002.

## **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.
- The **Corrective Action Agreements with the New York State Attorney General signed by Woodhull Medical and Mental Health Center and Wyckoff Heights Medical Center** require both hospitals to:
  - post new-multilingual signs,
  - translate important written materials,
  - hire new staff interpreters and bi-lingual medical personnel,
  - assign a senior staff person to coordinate language assistance services,
  - provide comprehensive training to interpreters about medical interpretation,
  - provide all staff with training on the obligation to ensure equal access to health care for all New Yorkers, and
  - conduct ongoing monitoring of all new services.
- 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.

## **RECOMMENDATIONS:**

- Governor Pataki and the New York State Assembly and State Senate should pass comprehensive legislation to require all New York State hospitals to provide equal access to care for limited English proficient New Yorkers. They should take an immediate step in the right direction by passing New York State Assembly bill *A5431* and New York State Senate bill *S5161*.
- Woodhull Medical and Mental Health Center and Wyckoff Heights Medical Center should build on their significant accomplishments over the past year to ensure that all limited English proficient patients receive the language assistance services that each hospital is legally mandated to provide. Additional resources and oversight are required to end the still too common problems faced by limited English proficient patients at both hospitals.
- New York State Attorney General Elliot Spitzer should take an active role in monitoring and enforcing the corrective action agreements signed by both Woodhull Medical and Mental Health Center and Wyckoff Heights Medical Center. Additionally, he should take an active leadership role in compelling other hospitals throughout New York State to institute comprehensive reforms to end national origin discrimination against limited English proficient patients.

## **ACKNOWLEDGEMENTS:**

Make the Road by Walking would like to thank Yorelis Vidal and the many Make the Road by Walking members who spent hours at Woodhull Medical and Mental Health Center and Wyckoff Heights Medical Center interviewing LEP patients. Additionally, we would like to thank all of the Spanish-speaking community residents who took time to speak with us and to share their often difficult experiences with discrimination at local hospitals.

Also, we would like to thank our compañeros in the struggle to ensure equal access to health care for LEP New Yorkers from the New York Immigration Coalition, New York Lawyers for the Public Interest, the Latin American Integration Center, the Legal Aid Society and the Commission on the Public's Health System.

# ***SAMPLE SURVEY INSTRUMENT IN ENGLISH***

---

Interviewed By \_\_\_\_\_ Hospital: \_\_\_\_\_ Date: \_\_\_\_\_

1) Are you or a close family member currently receiving care from Brooklyn 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 #: \_\_\_\_\_