

LOCKED OUT

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

A report by
Make the Road by Walking



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"LOCKED OUT" - 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 spring and summer of 2003, Spanish-speaking members and organizers from Make the Road by Walking interviewed 48 Limited English Proficient (LEP) patients at Brooklyn Hospital to ascertain the scope of the problem.

Locked Out 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 48 LEP Spanish-speaking patients at Brooklyn Hospital interviewed:

- **81%** (39 patients) reported that they are unable to communicate with their doctor because neither their doctor nor their doctor's staff speak Spanish;
- **85%** (41 patients) reported that they never had received informational materials from their doctor in a language that they could understand;
- **88%** (42 patients) reported that they had never been informed of their right to receive free translation and/or interpretation services at the hospital;
- **81%** (39 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;
- **63%** (30 patients) reported that they were confused about their medical treatment;
- **42%** (20 patients) reported that they felt discriminated against by the hospital;
- **38%** (18 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 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 #: _____



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

Hello, my name is Inocencia Nolasco. I am from the Dominican Republic and I have lived in the United States for twelve years. I am from a poor and humble family. I have four children and thirteen grandchildren. I will turn 60 on December 28th of this year.

On November 4th, I was with my daughter, Grecia, in Brooklyn Hospital. I accompanied her because she needed to have a sonogram done. My daughter was ready to give birth.

My experience was horrible and my daughter ended up in tears. The receptionist, Ms. Mentor, from the 4th floor, in the sonogram room, made my daughter feel awful. Ms. Mentor told her that she does not speak English and she said, "You should learn English because you are in America."

By chance, I had brought my granddaughter Ninoska to the appointment with us. She is only eleven years old, but she was the person who ended up serving as our translator. She is very young and it had a big impact on her that she had to translate terms that have to do with maternity that are really only appropriate for an older person. She could not translate well because she could not understand. This should not be happening in this hospital because the law requires that the hospital have people available to translate.

My granddaughter Ninoska was also the one that had to translate when the technician was actually doing the sonogram. Both employees of this hospital who saw us used the same expression when they said that my daughter should "learn English". I told my granddaughter to tell them that it was *their obligation* by law to have interpreters.

We hope that this problem will be resolved so that other people do not have to suffer as we did.

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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