

# Federal and state laws protecting interpreter services

**The Health Equity Measure: Meaningful Access to Health Care Services for Persons with Limited English Proficiency and Persons Who Are Deaf or Hard of Hearing** was implemented by the Oregon Health Authority after House Bill 2359 was passed in Oregon’s legislature. “Meaningful access” means people with LEP have access to the same level and quality of services as people who are proficient in English. Interpreter services for people with limited English Proficiency, or LEP, should always be available to ensure meaningful access.

Provided below is a list of federal and state laws that protect the member’s right for InterCommunity Health Network Care Coordination Organization and health care providers to provide interpreter services at no cost. Providers must tell members that these services are available free of charge. Interpreter services must also be timely and protect the privacy and independence of the person with LEP. The interpreter must be a qualified or certified health care interpreter.

## Civil Rights Act of 1964 (Title VI)

- No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

## Civil Rights Act of 1991

- Amends the Civil Rights Act of 1964 to strengthen and improve federal civil rights laws, to provide for damages in cases of intentional employment discrimination, to clarify provisions regarding disparate impact actions, and for other purposes.

## Americans with Disabilities Act

- The **Americans with Disabilities Act, also known as ADA**, prohibits discrimination against people with disabilities in several areas, including employment, transportation, public accommodations, communications, and access to state and local government programs and services.

## Section 1557, Affordable Care Act of 2010

- Section 1557 makes it unlawful for any health care provider who receives funding from the federal government to refuse to treat an individual — or to otherwise discriminate against the individual — based on race, color, national origin, sex, age or disability.

## Code of Federal Regulation (CFR) at 45 CFR Part 92

- The Code of Federal Regulations is a codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government.
- Subpart B applies to specific applications to health programs or activities, including the definitions of health care entities, language assistance services requirements and restrictions around use of certain persons to interpret or facilitate communication.

## House Bill (HB) 2359

- HB 2359 requires health care providers who are reimbursed with public funds to work with health care interpreters that are certified or qualified by the Oregon Health Authority, also known as OHA.
- This is in line with OHA's mission and vision to "create health equity where all people can reach their full health potential and well-being and are not disadvantaged by their race, ethnicity, language, disability, national origin or intersections among these communities or identities."

## Oregon Administrative Rule (OAR) 950-050-0180

- Outlines the requirement that coordinated care organizations must work with qualified or certified interpreters from the central registry.

## Oregon Administrative Rule (OAR) 410-141-3590

- Establishes the standards for coordinated care organizations related to cultural and linguistically accessible care and the use of qualified or certified health care interpreters.

## Oregon Administrative Rule (OAR) 410-141-3515 (12)(a-g)

- IHN-CCO and health care providers shall implement procedures for communicating with and providing care to members who have difficulty communicating due to a medical condition, who need accommodations due to a disability, or who have limited English proficiency and live in a household where there is no adult available to communicate in English or there is no telephone.

## Oregon Revised Statutes (ORS) 413.550 through 413.559

- Requires the State of Oregon to establish a program to certify health care interpreters, also known as HCI, who serve persons with limited English proficiency in medical settings.
- Health care providers must work with an HCI from the health care interpreter registry produced by OHA under [ORS 413.558](#) when communicating with a patient who prefers a language other than English.
- A certified HCI must abide by the testing, qualifications, and certifications of HCI listed in [ORS 413.558](#).
- [ORS 413.559](#) requires the following data are collected by the provider for each interpreter service encounter:
  - The name of the HCI.
  - The health care interpreter's registry number.
  - The language interpreted.

## Senate Bill 1580

- Legislation that establishes Oregon's coordinated care organizations through [ORS 430.388](#).