

CITY COUNCIL
CITY OF NEW YORK

-----X

TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON HEALTH

-----X

August 18, 2009
Start: 10:24 am
Recess: 10:33 am

HELD AT: Council Chambers
City Hall

B E F O R E:
JOEL RIVERA
Chairperson

COUNCIL MEMBERS:
Gale A. Brewer
Inez Dickens
Mathieu Eugene
Helen D. Foster
Eric N. Gioia
John C. Liu
Rosie Mendez
Helen Sears
Kendall Stewart
Albert Vann

A P P E A R A N C E S [CONTINUED]

Adira Siman
Counsel
Committee on Health

Legal Counsel
Committee on Health

Betsy Gotbaum
Public Advocate
City of New York

Mathieu Eugene
Speaking on Intro 859-A
New York City Council Member

William Martin
Clerk
Committee on Health

1
2 CHAIRPERSON RIVERA: Good morning
3 ladies and gentlemen. My name is Joel Rivera.
4 I'm the Chair of the City Council's Health
5 Committee. Today we will be voting on proposed
6 Intro 859-A sponsored by our Public Advocate Betsy
7 Gotbaum. Proposed Intro 859-A would require chain
8 pharmacies to provide both oral and written
9 translation services to patients who need it.
10 Nearly half of New York's residents speak a
11 language other than English at home and almost a
12 quarter of the people in New York are not
13 proficient at speaking English. The existence of
14 a significant population of limited English
15 proficient New Yorkers has major implications for
16 all parts of the healthcare system in the City
17 including pharmacies.

18 Pharmacies are a crucial part of
19 the healthcare system and pharmacists play an
20 essential role in helping patients understand
21 complex medication information. Despite this a
22 survey of pharmacists in New York City by the New
23 York Academy of Medicine revealed that more than
24 50% of pharmacists never or rarely translated
25 prescription medical labels. The pharmacists did

1
2 not provide translation despite that fact that the
3 vast majority of them encountered limited English
4 proficient patients on a daily basis and had the
5 ability to translate labels into at least one
6 language.

7 Now the results of this study were
8 illustrated by the testimony of pharmacy patients
9 at a hearing of this of Committee on June 2008.
10 The Committee heard testimony from consumers who
11 could not obtain translation services at their
12 pharmacies. One patient described guessing when
13 to take his medication because he cannot
14 understand the written or verbal instructions from
15 the pharmacy and as a result this patient became
16 ill by improperly administering his medication.

17 Being unsure about how to take
18 medication is risky. For example, the common word
19 once printed on prescriptions to describe the
20 dosage... my counsel was informing me on how to say,
21 you know, once in Spanish is once, so thank you
22 very much [chuckling]. So the word once printed
23 on prescriptions to describe a dosage may be
24 mistaken by a Spanish speaking individual for the
25 word once, thank you very much, which actually

1
2 means eleven, so could you imagine taking, you
3 know, your medication 11 times as opposed to once.
4 Taking a medication 11 times instead of
5 prescription once daily could prove dangerous and
6 even fatal.

7 In a city with so many immigrants
8 and non-English speakers, it is imperative that we
9 find a way to help consumers safely access and
10 understand the proper manner to utilize their
11 medication. Proposed Intro 859-A would go a long
12 way towards doing this by guaranteeing that chain
13 pharmacies provide their consumers with free,
14 competent oral interpretation and translation
15 services.

16 Before we hear from the prime
17 sponsor, our Public Advocate, let me just
18 introduce my colleagues who are here with us
19 today. To my left we have Council Members Gale
20 Brewer and Helen Sears. To my right we have
21 Council Members Al Vann, Kendall Steward and
22 Mathieu Eugene. And want to thank--and yes,
23 Council Member Gioia on the back warming up the
24 seat I guess?

25 COUNCIL MEMBER GIOIA: Yeah that's

1

2 right.

3

4

5

6

CHAIRPERSON RIVERA: And I want to thank our two legal counsels here with us today for giving me my Spanish lesson for the month. Madam Public--oh we also have--

7

8

MS. BETSY GOTBAUM: [Interposing]

What about, you've got two over there.

9

10

11

12

CHAIRPERSON RIVERA: --Council Member John Liu and Council Member Rosie Mendez and that seems to be it. Okay now our Public Advocate.

13

14

15

16

17

18

19

20

21

22

23

24

25

MS. GOTBAUM: Thank you. And thank you Council Member Rivera and the Committee members for holding this important hearing. Introduction 859-A, the Language Access in Pharmacies Act, LAPA, which I introduced in 2008 with the help of Make the Road New York and New York Lawyers for the Public Interest, is a bill that will ensure that pharmacies provide translation services to New Yorkers who have limited English proficiency. And that's--they're called LEPs. Clearly understanding the label on a prescription bottle is a basic right yet many pharmacies around the City are allowing New

1
2 Yorkers to take home medication with instructions
3 that they can't understand.

4 This bill will require City chain
5 pharmacies to give individuals who speak limited
6 or no English access to free language assistance,
7 oral interpretation and translation services when
8 filling prescriptions. The bill stipulates that
9 the chain pharmacy must translate medical
10 instructions into seven languages, most commonly
11 spoken by LEP individuals in New York City. And
12 this is determined biannually by the Department of
13 City Planning, based on data.

14 We cannot continue to allow so many
15 New Yorkers to be put in danger every time they
16 fill a prescription. In a city that prides itself
17 on diversity, pharmacies should provide these
18 needed translation services. If even a few words
19 of vital medical instruction are lost to a
20 patient, the result can be tragic. We owe it to
21 New Yorkers to pass this bill and I urge the
22 Committee members to vote in favor of it. Thank
23 you.

24 CHAIRPERSON RIVERA: Thank you very
25 much. We've also been joined by Council Member

1

2 Helen Foster and [speaking off mic]. Do you have
3 a question? Council Member Mathieu Eugene has a
4 question.

5 COUNCIL MEMBER EUGENE: Thank you
6 very much. I don't have a question but I just
7 have a comment. I just wanted to thank and
8 congratulate the Public Advocate, Madam Gotbaum
9 and also all the co-sponsors of this bill. This
10 is very, very, very important for the patient.
11 For those of us who had the opportunity to go to
12 medical school and to be a doctor, we know that
13 communication and understanding between the
14 doctors and the patient is very, very important.
15 It's crucial for the health and also to save the
16 life of the people. And also in terms of
17 medicine, medication, if the patient don't
18 understand exactly what is, you know, the process,
19 how to take the medicine and what exactly they
20 have to do, this is a real danger. And I think
21 that we know that New York is a melting pot where
22 we have people that speak several languages. And
23 most of them don't speak English properly. It is
24 very important that they understand exactly what
25 they have to do in terms of taking medicine. I

1
2 think this is a wonderful bill and I congratulate
3 you and I commend you for that. And I'm proud to
4 have my name on it. Thank you very much.

5 MS. GOTBAUM: Thank you.

6 CHAIRPERSON RIVERA: Thank you very
7 much Council Member. At this point in time I
8 would just ask the Clerk to please call the roll
9 and the Chair recommends a yes vote.

10 MR. WILLIAM MARTIN: William
11 Martin, Committee Clerk. Roll call on the
12 Committee on Health. Introduction 859-A. Council
13 Member Rivera.

14 CHAIRPERSON RIVERA: I vote aye.

15 MR. MARTIN: Foster.

16 COUNCIL MEMBER FOSTER: Aye.

17 MR. MARTIN: Liu.

18 COUNCIL MEMBER LIU: Yes.

19 MR. MARTIN: Sears.

20 COUNCIL MEMBER SEARS: Yes.

21 MR. MARTIN: Stewart.

22 COUNCIL MEMBER STEWART: Yes and I
23 would like to add my name to this, thank you.

24 MR. MARTIN: Vann.

25 COUNCIL MEMBER VANN: Yes.

1

2

MR. MARTIN: Mendez.

3

COUNCIL MEMBER MENDEZ: Yes.

4

MR. MARTIN: Eugene.

5

COUNCIL MEMBER EUGENE: Aye.

6

MR. MARTIN: Council Member

7

Dickens.

8

COUNCIL MEMBER DICKENS: [Response

9

not heard]

10

MR. MARTIN: By a vote of nine in

11

the affirmative, zero in the negative and no

12

abstentions the item is adopted. Council Members,

13

please sign the Committee report.

14

CHAIRPERSON RIVERA: And we'll keep

15

it open for a few moments since we do have other

16

members who are on their way over as well.

17

18

FEMALE VOICE 1: Can I? The

19

hearing for the Health Committee is now adjourned.

20

[Gavel banging]

C E R T I F I C A T E

I, Laura L. Springate certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

A handwritten signature in cursive script that reads "Laura L. Springate". The signature is written in black ink on a light-colored background.

Signature _____Laura L. Springate_____

Date _____September 3, 2009_____