



Legislation Details (With Text)

**File #:** Res 0371-2004      **Version:** A      **Name:** Require hospitals to provide patient language assistance services for the communication of clinical and other information.

**Type:** Resolution      **Status:** Adopted

**In control:** Committee on Health

**On agenda:** 5/19/2004

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**Title:** Resolution urging the New York State Senate to adopt S.5161B, which would require hospitals to provide patient language assistance services for the communication of clinical and other information.

**Sponsors:** Kendall Stewart, Christine C. Quinn, Diana Reyna, Miguel Martinez, Annabel Palma, John C. Liu, Charles Barron, Lewis A. Fidler, Vincent J. Gentile, Sara M. Gonzalez, Letitia James, Allan W. Jennings, Jr., Hiram Monserrate, Larry B. Seabrook, Helen Sears, David Yassky, James F. Gennaro, Jose M. Serrano, Yvette D. Clarke, Albert Vann, Gale A. Brewer, David I. Weprin, Betsy Gotbaum

**Indexes:**

**Attachments:** 1. Committee Report, 2. Hearing Transcript, 3. Hearing Transcript - Stated Meeting 10/13/04

| Date       | Ver. | Action By                | Action                      | Result |
|------------|------|--------------------------|-----------------------------|--------|
| 5/19/2004  | *    | City Council             | Introduced by Council       |        |
| 5/19/2004  | *    | City Council             | Referred to Comm by Council |        |
| 9/29/2004  | *    | Committee on Immigration | Hearing Held by Committee   |        |
| 9/29/2004  | *    | Committee on Immigration | Approved by Committee       |        |
| 9/29/2004  | *    | Committee on Health      | Hearing Held by Committee   |        |
| 9/29/2004  | *    | Committee on Health      | Amendment Proposed by Comm  |        |
| 9/29/2004  | *    | Committee on Health      | Amended by Committee        |        |
| 9/29/2004  | A    | Committee on Health      | Approved by Committee       | Pass   |
| 10/13/2004 | A    | City Council             | Approved, by Council        | Pass   |

Res. No. 371-A

Resolution urging the New York State Senate to adopt S.5161B, which would require hospitals to provide patient language assistance services for the communication of clinical and other information.

By Council Members Stewart, Quinn, Reyna, Martinez, Palma, Liu, Barron, Fidler, Gentile, Gonzalez, James, Jennings, Monserrate, Seabrook, Sears, Yassky, Gennaro, Serrano, Clarke, Vann, Brewer, Weprin and The Public Advocate (Ms. Gotbaum)

Whereas, In a March, 2002 report prepared for the United States Congress, The Institute of Medicine cited language barriers as one of the primary causes for health disparities between various racial and ethnic groups; and

Whereas, New York State Public Health Law 2803 (1) (g), "Patient's Rights", and the regulations promulgated pursuant to this law, also known as the "Patient Bill of Rights," requires that if English is not the primary language of the patient, skilled

interpreters must be provided to assist the patient; and

Whereas, The Patient Bill of Rights requires that translations and/or transcriptions of important hospital forms, instructions and information must be provided to patients who need them; and

Whereas, S. 5161B, which would require hospitals to provide patient language assistance services for the communication of clinical and other information, is currently before the New York State Senate; and

Whereas, The New York State Attorney General testified at a November 2003 hearing on A.5431B, the Assembly version of S.5161B, that, “While some may argue that the standards in current law and regulation suffice, the recurrence of these systemic problems, across hospitals of varying types, sizes, demographics and locations, demonstrates the need for legislation codifying and strengthening this obligation”; and

Whereas, A significant percentage of New York State’s population has limited proficiency in English; and

Whereas, According to the 2000 Census, 13% of people in the State speak English less than “very well,” with a substantial segment speaking English “not well” or “not at all”; and

Whereas, A recent report (the “Report”) conducted by the Immigrant Health Access and Advocacy Collaborative, found that lack of language services resulted in poor health outcomes for immigrant patients and violated patients’ rights; and

Whereas, The Report found that 25% of patients did not understand their diagnosis or treatment, 35% of patients reported that staff who tried to communicate with them in a language other than English did not do an adequate job, 17% of patients did not understand follow-up treatment, such as how to take their medication, 9% of patients had decisions made without their consent, 63% of patients who signed hospital forms did not understand what was written on the forms, and 64% of patients wanted to ask questions about their medical condition, treatment and diagnosis, but were unable to; and

Whereas, Language barriers within the health system can lead to problems in continuity of care and medical harm for individuals who do not speak English as their primary language; and

Whereas, Individuals who are not proficient in English can also have a more difficult time understanding various hospital payment options, such as access to charity care and sliding pay scales; and

Whereas, Individuals who do not speak English as their primary language also have disproportionately worse health outcomes compared to the rest of the population, since many of those individuals feel that they cannot afford to access medical care; and

Whereas, S.5161B would help alleviate many problems caused by language barriers in New York’s health care system by requiring that actual patient visits be used as a criterion to establish the need for language services, as opposed to the current system which uses census data, which can undercount some immigrant populations; and

Whereas, S.5161B would also require that language assistance be available for all hospital programs and services, at all locations and at all times that patient care is available; and

Whereas, The New York State Assembly has recently passed A.5431B; now, therefore, be it

Resolved, That the Council of the City of New York urges the New York State Senate to adopt S.5161B, which would require hospitals to provide patient language assistance for the communication of clinical and other information.