

# Section 1557 Compliance: The Ideal Way to Serve LEP Patients in Your Facilities

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## Section 1557 and Changes to the Final Rule

Section 1557 is the nondiscrimination provision of the Affordable Care Act. The law prohibits discrimination on the basis of race, color, national origin, sex, age or disability in certain health programs or activities.

On May 13, 2016, the HHS Office for Civil Rights issued the final rule implementing Section 1557. Guidelines surrounding language services in healthcare include the following.

### Qualified vs. Ad-hoc Interpreter

Facilities receiving federal funding must:

- Provide meaningful access to each LEP individual to be served or likely to be encountered in its health programs and activities,
- Publish taglines, which are short statements in non-English languages, in significant publications and post in prominent locations and on its website to notify the individual about the availability of language assistance services,
- Offer a qualified interpreter when oral interpretation is a reasonable step to provide an individual with meaningful access,
- Provide language services free of charge and in a timely manner,
- Adhere to certain quality standards in delivering language assistance services.

A covered entity may not:

- Require an individual to provide his or her own interpreter,
- Rely on a minor child to interpret, except in a life threatening emergency where there is no qualified interpreter immediately available,
- Rely on interpreters that the individual prefers when there are competency, confidentiality or other concerns,
- Rely on unqualified bilingual or multilingual staff or use low-quality video remote interpreting services.

Medically qualified interpreters possess the necessary skills and knowledge to surpass obstacles that would otherwise be detrimental to both the patient-provider communication and patient outcome.