

May 15, 2024

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Office of Minority Health
U.S. Department of Health and Human Services
200 Independence Avenue SW
Washington, DC 20201
Docket Number 2024-08409

Re: Development of a Universal Symbol for Language Assistance Services in Health Settings; perspectives from The LIBRE Initiative and The LIBRE Institute

As an organization dedicated to serving Hispanic communities across the nation, The LIBRE Initiative and its affiliated c3 sister organization, The LIBRE Institute, are keenly aware of the critical importance of language access in healthcare services for Limited English Proficient (LEP) individuals. On behalf of our tens of thousands of activists, we are glad to have the opportunity to provide input on the proposed rule regarding increasing health care access for all Americans through the development of a universal symbol for language assistance services. An estimated 8 percent of the United States population, or 25.7 million individuals, have limited English proficiency.¹ This category includes those for whom English is not their primary language and therefore have difficulty fully communicating be it reading, writing, or speaking including those individuals who are deaf or hard of hearing. The majority of LEP individuals, just over 60 percent, are Hispanic, Spanish speaking adults.² The LIBRE Initiative has a national audience and an on-the-ground presence in 13 states, including Texas, Nevada, and Florida, which have populations with over 10 percent³ of individuals having limited English proficiency, as well as Arizona, New Mexico, Colorado, Georgia, North Carolina, Pennsylvania, and Virginia, where over 5 percent of the state populations have limited English proficiency.⁴

The passage of the proposed rule would enhance engagement and support communities that see existing health disparities

As Hispanic serving organizations, The LIBRE Initiative and The LIBRE Institute are accustomed to translating our numerous resources, presentations, and educational materials into Spanish. This is particularly true and important when providing information on the enormously complex health care system. With 28 percent of Latinos unable to speak English proficiently, our

¹ Pillai, Drishti, and Sweta Haldar. "Overview of Health Coverage and Care for Individuals with Limited English Proficiency (LEP)." KFF, July 6, 2023. <https://www.kff.org/racial-equity-and-health-policy/issue-brief/overview-of-health-coverage-and-care-for-individuals-with-limited-english-proficiency/>.

² Ibid.

³ Ibid.

⁴ "Libre - Empowering the Hispanic Community." The LIBRE Initiative, May 9, 2024. <https://thelibreinitiative.com/>.

organizations and members of our community often act as intermediaries, connecting individuals to services and programs in addition to providing support in our personal lives to our own family members.⁵ In-person, real-time translation is far from perfect or ideal. Establishing a standardized symbol for language access would enhance our ability to inform and engage with the community beyond face-to-face interactions, ensuring equitable access to vital information on policy, federal programs, and health care services.

A lack of language services in health care comes with high costs and harm to patients

The ability to communicate with a care provider is essential to access high-quality care and accurate and necessary care that keeps patients safe. Communication failures were found to be responsible for 30 percent of all malpractice claims and a total of \$1.7 billion (about \$5 per person in the US) over a five-year period.⁶ Even just looking at 2023 malpractice costs, LIBRE estimates that \$92.6 million worth of claims were related to language barrier challenges like poor communication and failure to provide an interpreter.⁷

Existing language access symbol and other communication efforts through symbols

This effort to develop a standard symbol for language assistance is not a novel idea. Australia, for example, uses a national interpreter symbol to inform its LEP population that they can and should request an interpreter.⁸ While the symbol is used in health care settings it is also placed in other locations where individuals may need access to interpretation services and where clear communication is crucial such as police stations, employment offices, housing offices, migrant resource centers, and state schools.⁹ Further, within the U.S. we already make use of universal symbols to communicate additional communication or support services. The information symbol seen in airports and high traffic areas and the international symbol for accessibility in public buildings, parking lots, and businesses that indicates access for individuals with limited mobility stand as two examples of existing efforts to communicate via symbols that there exists additional

⁵ Funk, Cary, and Mark Hugo Lopez. "A Brief Statistical Portrait of U.S. Hispanics." Pew Research Center, June 14, 2022. <https://www.pewresearch.org/science/2022/06/14/a-brief-statistical-portrait-of-u-s-hispanics/>.

⁶ "Inadequate Hand-off Communication." The Joint Commission, September 12, 2017. [https://www.jointcommission.org/-/media/tjc/documents/resources/patient-safety-topics/sentinel-event/sea_58_hand_off_comms_9_6_17_final_\(1\).pdf](https://www.jointcommission.org/-/media/tjc/documents/resources/patient-safety-topics/sentinel-event/sea_58_hand_off_comms_9_6_17_final_(1).pdf).

⁷ Calculated using the work of Kevin Quan, MPH JD, and Jessica Lynch MPH candidate (2011) that found 2.5 percent of claims were related to language barriers related to LEP and recent data from: Schloemann, Max. "Tool: Medical Malpractice Payouts by State: MEDPLI." MEDPLI Professional Liability Insurance, April 27, 2024. <https://medpli.com/medical-malpractice-payouts-by-state/>.

⁸ "Settle in Australia National Interpreter Symbol." Immigration and citizenship Website. Accessed 14AD. <https://immi.homeaffairs.gov.au/settling-in-australia/settle-in-australia/language-services/national-interpreter-symbol#:~:text=The%20Interpreter%20Symbol%20is%20a,using%20government%20and%20other%20services>.

⁹ Ibid.

support.¹⁰ The development of a recognizable symbol for language services would streamline translation, interpretation, and communication services to LEP individuals.

There is also an effort to develop such a symbol from the U.S. Congress which is being led by Representatives Young Kim of California's 40th Congressional District and Grace Meng of New York's 6th Congressional District: H.R. 5762, The Health Communication Access and Resources for Everyone (CARE) Act of 2023.¹¹ Much like the proposed rule the bill, if enacted, would lead to the creation of a "Health language access symbol" through the department of Health and Human Services (HHS). As part of the symbol's creation, there would be an in-depth research process related to the design and its dissemination with and among key stakeholders. Within 18 months after enactment, the research and consultation around the symbol would be complete. HHS would then also issue a report on the symbol design and its dissemination plan.¹²

Inadequate language access can lead to and exacerbate health care disparities. The failure to provide language-appropriate care compromises patient safety and imposes financial burdens on health care systems and providers through including higher rates of medical errors and malpractice claims. Neglecting to address language barriers in health care risks marginalizing a substantial portion of the population and exacerbating existing disparities in health outcomes. In conclusion, The LIBRE Initiative fully supports the creation of a standardized symbol for LEP and language access. Such a measure not only enhances outcomes for minority populations and individuals with disabilities but also contributes to cost reduction within the health care system. We urge careful consideration of our feedback in the formulation of the final rule, and we stand ready to work with anyone to improve access to health care through the expansion of language services. If you have any questions about this comment, please contact Isabel Soto at isoto@belibre.org. Thank you for your attention to this matter.

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<https://thelibreinitiative.com/>
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¹⁰ Disability access symbols, 2020.

<https://www.miamidadearts.org/sites/default/files/files/inline/disability20symbols.pdf>.

¹¹ "Reps. Young Kim, Grace Meng Push to Reduce Barriers to Health Care Access - Congresswoman Young Kim."

Congresswoman Young Kim - Representing California's 40th District, September 27, 2023.

<https://youngkim.house.gov/2023/09/27/rep-young-kim-grace-meng-push-reduce-barriers-health-care-access/>.

¹² Ibid.