

NHeLP

NATIONAL HEALTH LAW PROGRAM

Diversity Rx/Your Voice

Two tablets... ¿pero cuándo?

Addressing language barriers in the pharmacy

Webinar

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“Securing Health Rights for Those in Need”

Language Barriers in Pharmacy Context

- An LEP patient's inability to understand medication labels and instructions easily can cause errors in usage and seriously endanger her life.
- Institute of Medicine
 - medication errors are among the most common medical errors
 - harms at least 1.5 million people every year
- Up to one-half of all medications are taken incorrectly or mixed with other medications that cause dangerous reactions that can lead to injury and death

Language Barriers in Pharmacy Context

- Almost half (46%) of all adults cannot understand the label on their prescription medications & 6 out of 10 take medications incorrectly.
- More than 4 billion prescriptions are written yearly; LEP population is about 8.7% so millions of prescriptions are likely written for LEP patients
- Over 1 out of 4 LEP (25%) patients who needed an interpreter but did not get one did not understand their medication instruction compared with only 1 out of 50 (2%) who received one or did not need one

Medical Errors

- A 6-week-old infant was admitted for a barbiturate overdose caused by a 10-fold medication dosing error by an LEP mother who did not understand the outpatient dosing instructions available only in English.
- A Lao-speaking woman was incarcerated for 10 months because she stopped taking her TB medication - she was never provided an interpreter to explain the possible side effects and was awarded \$1.2 million in a lawsuit against Fresno county.

California Efforts

- CA recognized the importance of reducing medication-related errors and increasing health care literacy regarding prescription drugs and prescription container labeling
- SB 472 (2007) requires the Board of Pharmacy (BOP) to issue regulations to design and implement a standardized, patient-centered, prescription drug label on all prescription medicine dispensed to a patient in CA by 1/1/11
 - 1/1/10 – report to Legislature on progress
 - 1/1/13 – report to the Legislature the status of implementation of the prescription drug label requirement

California Efforts

- Board of Pharmacy must take into account following factors:
 - Medical literacy research that points to increased understandability of labels
 - Improved directions for use
 - Improved font types and sizes
 - Placement of information that is patient-centered
 - **The needs of patients with limited English proficiency**
 - The needs of senior citizens
 - Technology requirements necessary to implement the standards

California Efforts

- Board of Pharmacy
 - Must work with stakeholders - conducted hearings around the state seeking input & needs assessment survey
 - Advocates brought seniors and LEP patients to several hearings to testify re: need for translated labels into non-English languages
 - Proposed regulations shared with public in July and August 2009 but met with resistance from pharmacists

California Efforts

- Proposed regulations
 - Requires pt name, name of drug & strength, purpose & directions for use to be printed in one area of the label in at least 12-point, sans serif typeface to ensure legibility
 - Creates standardized directions (17) for how much to take and how often, to eliminate potential confusion
 - BOP to translate 17 standard directions into five most common languages to be posted on its website

California Efforts

- Proposed regulations
 - If the instructions do not conform to one of the 17 directions, the pharmacy will be responsible for securing its own translation.
 - For patients who cannot read English but can read in another language, upon request, the pharmacy shall provide a translated prescription container in the patient's language.

California Efforts

- At October 2009 hearing, BOP accepted pharmacists arguments that proposed regulations too burdensome, not technologically possible and liability concerns
 - Agreed to changes proposed by pharmacy associations
 - Weakened requirements
- BOP issued final proposed regulations - 11/09
 - Written comments due 1/4/10
 - Can also submit testimony at next BOP hearing on 1/20/10 in Sacramento

California Efforts

- Final Proposed Regulations
 - Accepted first three provisions and changed last two requirements
 - Changed date of translation of 17 directions from October 2010 to October 2011 & BOP will provide examples of complying with requirements
 - No longer any mandatory requirement of pharmacist to translate information on prescription container label in other languages
 - However, LEP patient can request oral translation of prescription container label's information in language of patient

OCR Settlement

- June 15, 2009 – Medco agreed to improve access to its pharmacy services for its LEP members.
- Medco is the nation's largest mail order pharmacy operation and benefit management company
- Health plans contract with Medco to manage their prescription drug benefit and to administer the prescription drug claims of the health plan members & allows members to use Medco's mail-order pharmacy and its network of retail pharmacies.

OCR Settlement

- Spanish speaking enrollee not provided translated documents and left voicemail messages in English
- OCR Resolution Agreement
 - Develop Language Services Plan
 - Institute an “Other Than English Language” Project
 - Flag language preference in Medco’s internal computer systems
 - Ensure certain written communications sent and certain outbound telephone calls in primary language
 - Conduct ongoing assessments
 - Continue telephonic interpreter services in over 150 languages

OCR Settlement

- Expand the number of bilingual Spanish-speaking staff
- Improve the provision of notice to its LEP members about language assistance services,
- Develop a process to assess the proficiency and competency of bilingual staff at call centers and pharmacies
- Train all relevant staff on its language access systems, processes, policies, and procedures
- Monitor, assess and evaluate its language access procedures and systems

Advocacy Strategies

- Outreach, Education & Training – policy makers & interested stakeholders re: needs of LEP patients in pharmacy context
- Advocacy – legislative and administrative strategies to increase access for LEP patients;
- Identify & promote promising practices by pharmacists – encourage states to share best practices
- Organize & build effective coalitions and monitor implementation

NHeLP Resources

- NHeLP Issue Brief: *Language Services in Pharmacies: What is Required?* (March 2008)
- NHeLP Webinar: *The Language of Drugs: Pharmacies and Language Access* (April 2009)
- Coming Soon
 - *Language Access Resource Guide for Pharmacists.*
 - 50 State Survey of Pharmacy Requirements