

## **RESOLUTION 103**

### AMA Progress On Removing Patient Translation Cost From Physician Responsibility

- Under the guidelines of the American Disabilities Act, the need for an interpreter depends on the complexity of the medical matter.
- Physicians pay for translation services for the disabled patient and for non-English-speaking patients when other alternatives are not possible. The Department of Health and Human Services (DHS) and the Office of Civil Rights encourage this cost be borne by the physician.
- Normally the physician incurs an obligation to pay for the interpreter unless they can be shown that the cost would impose an undue burden on the physician. Even if the cost of the interpreter exceeds the charges for the patient's care, this alone does not constitute an undue burden.
- This practice continues to be an unfunded mandate by the federal government, and this practice increases the costs borne by a physician, especially at a time when the federal government has cuts pending to the Medicare program.
- In addition, DHS also takes the position that family members are entitled to ADA accommodations if they are meaningfully involved in the communications between the physician and the patient.
- The Department of Justice is presently proposing new rules to implement the American with Disabilities Act and a public hearing is set for July, 2008.
- The proposed modifications specified that "a public accommodation shall furnish appropriate auxiliary aides in services where necessary to ensure effective

communications with individuals and disabilities and their companions who were individuals with disabilities.”

- The proposed regulation further defines companion as an appropriate person with whom the public accommodation shall communicate. The regulation further explains that a public accommodation shall not require an individual with a disability be required to bring another individual to interpret for him or her in a public accommodation.