

# ObamaCare Now Requires Translation Services

Courtesy of Dr. Ty Talcott, HIPAA Compliance Services

This issue does not fall directly under HIPAA or OIG compliance-however, we feel it must be addressed because there is a great deal of confusion regarding a new law/rule-- under the Affordable Care Act--, that went into effect [October 16](#) of this year, that requires chiropractors, as well as other types of physicians and entities receiving federal funds, to provide translation services to their patients in the top 15 non-English languages spoken in their state!

## But, who really has to follow these rules and how do you satisfy these regulations?

1. A chiropractor is Exempt if they do not treat any individuals that are eligible for Medicare, Medicaid or any other federal program. This DOES NOT MEAN they treat them, and then don't send bills to the government etc.-- This means they refuse to treat them altogether.

2. A chiropractor is exempt if they only treat Medicare part B patients and no other type of patient eligible for a federally funded program.

**3. A chiropractor is NOT exempt and must follow the rules, if they treat, contract or have any relationship with any Medicare part C (advantage and/or replacement plans) , Medicaid patients or have received any other government funds (Meaningful use attestation, grants, etc...), EVEN IF THEY also participate in Medicare part B!**

## So, if they must follow the rules - what do they have to do?

A. They must post (tagline) notices to patients and their families that translation services are available in the top 15 required languages for their state. (Family members may NOT substitute for translators, the translators must be "qualified"). These 'Taglines' are statements of the availability of language assistance services. The top 15 languages in which the taglines must be listed vary by state, depending on the estimated number of individuals speaking each non-English language. These taglines must be included in larger and more standard publications. For smaller publications (for example, postcards), the top two languages for each state must be used. A full list of the top 15 languages for each state can be found at: [HHS Top 15 Languages by State](#).

B. Written translations must be available for: websites (it appears that for physicians the entire website does not have to be translated and only the taglines/short notices must be published at the website) and critical written materials that will be given to patients such as, discharge notifications, medication instructions, treatment plans, insurance benefits etc.

C. Physicians must post a nondiscrimination notice the covers several key factors. HHS has a "sample" non-discrimination notice, at:

<http://www.hhs.gov/sites/default/files/sample-ce-notice-english.pdf> and HHS has provided several language samples for taglines.

**How in the world are offices supposed to have translators in all of these languages available?**

Obviously a clinic cannot afford to hire translators etc.--- If practitioners will Google search 'language interpreters for affordable care act' they can find services they can be hired on an 'as needed' basis.