



Maryland Department of Health and Mental Hygiene
201 W. Preston Street • Baltimore, Maryland 21201
Parris N. Glendening, Governor - Georges C. Benjamin, M.D., Secretary

MARYLAND MEDICAL ASSISTANCE PROGRAM
Managed Care Organization Transmittal No. 17

January 24, 2000

Managed Care Organizations

FROM: Jane Thompson, Director
HealthChoice and Acute Care

Problems with Interpreter Services for Deaf and Hearing Impaired
HealthChoice Recipients

NOTE: Please ensure that appropriate members in your organization are informed of the contents of this transmittal.

The Department of Health and Mental Hygiene continues to receive complaints about the lack of interpreter services for deaf or hearing impaired HealthChoice enrollees, in addition to payment problems for the few interpreters who are providing the service. The Department issued Transmittal No. 4 to the MCOs on June 16, 1998 which outlined the MCO's responsibility to provide interpreter services to enrollees when necessary. This transmittal is a needed follow-up.

Provision of interpreter services to an individual who requests such services is a requirement clearly defined in the following HealthChoice regulations: COMAR 10.09.65.02. H.(1), 10.09.65.06 A.,D.,E., and 10.09.66.01. In failing to comply with the law, an MCO not only allows for a potential adverse affect upon its enrollees, but also, opens the door to threatening and expensive law suits.

Simply stated, the MCO is responsible for ensuring interpreter services are provided to those in need. The MCO can delegate the risk (the allocation of financial risk for providing this service is a contractual issue between the MCO and its providers) and responsibility to its providers, but it can not abdicate its primary and ultimate responsibility to its enrollees and accountability under the law. (See COMAR 10.09.65.17. C. (3)).

This means the MCOs which have directed their providers to arrange for qualified sign language interpreter services are ultimately responsible if the service is not being provided. MCOs must monitor and verify with their providers that interpreter services are available. We have received numerous complaints when an MCO considers the cost of interpreter services to be included in its financial relationship with a subcontractor, and the subcontractor refuses to fulfill its responsibility. **The Department will not accept an MCO's explanation that the provider is responsible for this service and the MCO is not. The MCOs can require their providers to assume the cost for providing these interpretive services, but the ultimate responsibility lies with the MCOs to ensure its enrollees have access to the services. Failure to comply with HealthChoice regulations concerning access for those with disabilities may result in sanctions being imposed on an MCO and increased oversight by the Department.**

Since a number of deaf and hearing impaired HealthChoice enrollees have experienced difficulty with obtaining interpreter services, we urge you to use your enrollee newsletters and other media to inform deaf enrollees of their right to an interpreter, as well as the procedures for providing timely notice of the need for an interpreter and the type and level of interpreter needed.

The Department is aware that there are a number of issues involved in providing medical services to enrollees who are deaf or hearing impaired. There are different systems of sign language and different levels of need, and sign language interpreters are not uniformly available in all parts of the state. MCO Special Health Care Needs Coordinators who attended a recent educational forum on the needs of deaf enrollees received useful materials that should be helpful in providing appropriate services to deaf or hearing impaired HealthChoice enrollees.

For further information and/or assistance on the needs of the deaf or hearing impaired, contact the Maryland Association of the Deaf Inc., P.O. Box 527, Burtonsville, MD 20866-0527. Any questions about this transmittal should be directed to: Ms. Diane Herr, Deputy Director, HealthChoice and Acute Care Administration at 410-767-5510.