

MASSACHUSETTS SEXUAL ASSAULT NURSE EXAMINER PROGRAM
PROTOCOL FOR ADULT/ADOLESCENT SANE_s
and EMERGENCY DEPARTMENT CLINICIANS

APPENDIX 2

Hospital Interpreter Services

Every acute-care hospital is required by Massachusetts law, (M.G.L. c.112 §25J,¹) to provide competent interpreter services in connection with all emergency room services (including the SANE exam) for every non-English speaker who is a patient. In addition, interpreters must be provided for patients who are deaf or hard of hearing. The array of services may vary from on-site bi-lingual staff to remote telephonic services.

Hospital staff must assess the sexual assault patient's need for an interpreter, and obtain appropriate interpreter service prior to or as soon as the SANE arrives. If no interpreter services have been pre-arranged and the SANE has reason to question a patient's ability to provide informed, knowing consent, the SANE should ask the hospital staff to request the ED's interpreter services to assess and document the patient's linguistic ability and what interpreter services, if any, may be needed to assist the patient with informed consent.

The hospital medical interpreter will interpret for the SANE exam as they would for any other emergency-based medical encounter. In each case when the hospital's interpreter services are utilized, the interpreter's name must be provided on **Form 1 Consent**.

The SANE may not rely on a non-English speaker's family member or friend, Rape Crisis Counselor or law enforcement official, when obtaining patient consent or information about the assault.

¹ Every acute-care hospital, as defined in section 25B, shall provide competent interpreter services in connection with all emergency room services provided to every non-English speaker who is a patient or who seeks appropriate emergency care or treatment. ...Any non-English speaker, who is denied appropriate emergency health care services by an acute-care hospital by reason of such hospital's not having exercised reasonable judgment in making competent interpreter services available as required by this section, or the attorney general upon receiving written notice from a regulating state agency that such hospital is substantially failing to comply with applicable interpreters requirements, shall have a right of action in the superior court against such hospital for declaratory or injunctive relief. A non-English speaker bringing such action shall not be required to exhaust any administrative remedies that may be available to him and may be awarded damages for any actual harm suffered, but at least \$250 in damages shall be awarded for each violation, together with such costs, including expert fees and attorney's fees, as may be reasonably incurred in such action. Such action shall be brought within three years of any such failure to provide competent interpreter services"