

Interpreting codes of ethics that apply in Oregon

This is the link to the new Healthcare Interpreter law.

<https://olis.leg.state.or.us/liz/2015R1/Downloads/MeasureDocument/HB2419>

Current rules

http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_333/333_002.html

333-002-0100

Code of Ethics and Standards of Practice for Interpreters in Health Care

(1) Health care interpreters must adhere to the National Code of Ethics for Interpreters in Health Care as established by the National Council on Interpreting in Health Care.

(2) Health care interpreters must adhere to the National Standards of Practice for Interpreters in Health Care as established by the National Council on Interpreting in Health Care.

Stat. Auth.: ORS 413.558

Stats. Implemented: ORS 413.556 & 413.558

Hist.: PH 18-2006, f. & cert. ef. 8-2-06; PH 26-2006, f. & cert. ef. 11-16-06; PH 2-2011, f. & cert. ef. 3-1-11

I am in the RAC for this and I don't anticipate changing this section.

<http://www.oregon.gov/oha/oei/Pages/HCI-RAC.aspx>

These are the National Council for Interpreters in Healthcare Standards of Practice:

<http://www.ncihc.org/assets/documents/publications/NCIHC%20National%20Standards%20of%20Practice.pdf>

This is the National Council for Interpreters in Healthcare ethics:

<http://www.ncihc.org/assets/documents/publications/NCIHC%20National%20Code%20of%20Ethics.pdf>

This is the Oregon Court interpreter ethics code

<http://courts.oregon.gov/OJD/docs/OSCA/cpsd/InterpreterServices/ethicscode.pdf>

The Workmans Comp situation may warrant a nuanced application of the medical interpreting code of ethics, taking some elements from the court interpreting code of ethics that is in force in Oregon. Both are presented side by side in the following chart.

General principles from the introduction

Medical interpreter role	Court interpreter role
<p>Core Values from the National Council on Interpreting in Health Care Code of Ethics</p> <p>1. Beneficence A central value of the health care interpreting profession is the health and well-being of the patient.</p> <p>2. Fidelity The essence of the interpreter role is encapsulated in the value of fidelity. The American Heritage Dictionary of the English Language describes fidelity as involving “the unflinching fulfillment of one’s duties and obligations and the keeping of one’s word or vows.” [...] interpreters make what amounts to a vow to remain faithful to the original message as they convert utterances from one language into another without adding to, omitting from, or distorting the original message.</p> <p>3. Respect for the importance of culture and cultural differences Culture frames the way we interpret the world, our experiences in it, and our relationship to ourselves and others. In the area of health, culture influences the meaning given to symptoms, the diagnosis of those symptoms, the expectations regarding the course of the related disease or illness, the desirability and efficacy of treatments or remedies, and the prognosis. Language and culture are closely intertwined. Linguists such as Sapir (1956) and Whorf (1978) have pointed out how language serves as an expression of the ways that a culture organizes reality.</p>	<p>Many persons who come before the courts are partially or completely excluded from full participation in the proceedings because of limited English proficiency or a speech or hearing impairment. It is essential that the resulting communications barrier be removed, as far as possible, so that these persons are placed in the same position as similarly situated persons for whom there is no such barrier.</p> <p>An interpreter is sworn in as an officer of the court. As an officer of the court, an interpreter is a neutral and impartial participant who assists the court in ensuring that court proceedings and court support services are accessible and function efficiently and effectively. The court interpreter is a skilled professional, therefore, who fulfills an essential role in the administration of justice.</p>

Code of Ethics tenets

Please note that this side by side comparison is my own and others may match these codes up differently.

Medical	Oregon Court Interpreting Code of Ethics - for comparison
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<p>1. The interpreter treats as confidential, within the treating team, all information learned in the performance of their professional duties, while observing relevant requirements regarding disclosure.</p>	<p>CONFIDENTIALITY Interpreters shall understand the rules of privileged and other confidential information and shall protect the confidentiality of all privileged and other confidential information.</p> <p>RESTRICTION OF PUBLIC COMMENT Interpreters shall not publicly discuss, report, or offer an opinion concerning a matter in which they are or have been engaged, even when that information is not privileged or required by law to be confidential.</p>
<p>2. The interpreter strives to render the message accurately, conveying the content and spirit of the original message, taking into consideration its cultural context.</p>	<p>ACCURACY AND COMPLETENESS: The interpreter shall render a complete and accurate interpretation or sight translation, without altering, omitting anything from, or adding anything to what is stated or written, and without explanation.</p>
<p>3. The interpreter strives to maintain impartiality and refrains from counseling, advising or projecting personal biases or beliefs.</p>	<p>IMPARTIALITY AND AVOIDANCE OF CONFLICT OF INTEREST— COURT OR PROCEEDING INTERPRETER The interpreter shall be impartial and unbiased and shall refrain from conduct that may give an appearance of bias or conflict of interest. The interpreter shall disclose to the judge any real bias or interest in the parties or witnesses in a case, or any situation or relationship that may be perceived by the court, any of the parties, or any witnesses as a bias or interest in the parties or witnesses in a case.</p>
<p>4. The interpreter maintains the boundaries of the professional role, refraining from personal involvement.</p>	<p>PROFESSIONAL DEMEANOR Interpreters shall conduct themselves in a manner consistent with the dignity of the court and shall be as unobtrusive as possible.</p> <p>SCOPE OF PRACTICE Interpreters shall limit themselves to interpreting or performing sight translating and shall not give legal advice, express personal opinions to</p>

	individuals for whom they are interpreting, or engage in any other activities that may be construed to constitute a service other than interpreting or translating.
5. The interpreter continually strives to develop awareness of her/his own and other (including biomedical) cultures encountered in the performance of their professional duties.	
6. The interpreter treats all parties with respect.	
7. When the patient's health, well-being, or dignity is at risk, the interpreter may be justified in acting as an advocate. Advocacy is understood as an action taken on behalf of an individual that goes beyond facilitating communication, with the intention of supporting good health outcomes. Advocacy must be undertaken only after careful and thoughtful analysis of the situation and if other less intrusive actions have not resolved the problem.	
8. The interpreter strives to continually further his/her knowledge and skills.	PROFESSIONAL DEVELOPMENT Interpreters shall continually improve their skills and knowledge and advance the profession through activities such as professional training and education and interaction with colleagues and specialists in related fields.
9. The interpreter must at all times act in a professional and ethical manner.	DUTY TO REPORT ETHICAL VIOLATIONS Interpreters shall report to the court any actions by any persons that may impede their compliance with any law, any provision of this code, or any other official policy governing court interpreting and sight translating.
	REPRESENTATION OF QUALIFICATIONS The interpreter shall accurately and completely represent his or her certifications, training, and pertinent experience. The court should reassess the interpreter's qualifications each time the interpreter is engaged to interpret in court

	for a non-English speaking party or witness.
	ASSESSING AND REPORTING IMPEDIMENTS TO PERFORMANCE Interpreters shall assess at all times their ability to deliver their services. When interpreters have any reservation about their ability to satisfy an assignment competently, they shall immediately convey that reservation to the court.

The description of the court interpreter's role is much simpler. The role is "to put the limited English speaker on the same footing as an English speaker." In our introductions, we tell the people we interpret for these things:

- I will not explain anything.
- I will not omit or add anything.
- If you have a question, you get to ask, and if you want to insult the judge, go ahead. I will interpret your insults, your anger, everything you say.
- You have a right to ask all the questions you want to ask. Please do. I will interpret all of them.
- If you don't understand something, say so. It could be that you are from a different place than I am. That's OK. We'll work it out. If I don't understand you, I'll do the same. OK?
- I am going to keep a professional distance so the folks don't think we are getting too chummy and throw your case out. Attorneys don't like that. I'm over here, waiting for us to be called, just doing this for your best interest. (Doctors don't actually like that either. If they wanted a friend, they would have brought one.)

I use an introduction somewhat like that in medical interpreting. It works very well.

Based on the comments I heard in the November 23 public meeting, I noticed support for

- Confidentiality,
- Impartiality
- Accuracy and completeness
- Accurately representing certifications (court ethics)
- Restriction of public comment (Court ethics, which is actually part of the medical Confidentiality tenet), but you wanted support for this tenet.
- Respect

I noticed there was strong resistance to the medical tenet of Advocacy, which is #7 in the Medical side of the code. Actually, this tenet is not part of the Washington State code of ethics for Medical interpreters. I would recommend striking it from the Workmans Comp code of Ethics.

The following tenets from court interpreting are generally applied in medical interpreting as well:

Assessing impediments to performance: When an interpreter cannot hear, see, or needs a repetition, it is a professional's duty to report this so the problem can be solved. This is not stated quite as clearly in the medical ethics.

Scope of Practice: Limiting themselves to interpreting. This is how medical interpreters often understand maintaining the boundaries of the professional role. As interpreters, we are only needed when there are two people who need interpretation. Therefore, we step out of the room when the patient is left alone in the room, and we should not make reminder phone calls or other duties that require that interpreters contact the patient outside of the medical encounter without any other parties present. However, interpreters are often asked to make reminder phone calls in Oregon, which goes against this tenet.

Impartiality: This includes not interpreting for family and friends, because it is nearly impossible to maintain confidentiality and impartiality with family and friends. The accuracy of the medical record is at stake. In the same manner, some would suggest that a limited role for interpreters who work for the Doctor might be recommended. They could interpret in the first appointment if it was scheduled with very little time to schedule an interpreter, but further appointments should be scheduled with an independent certified interpreter, for example, to preserve the impartiality of the record, giving special attention to this issue for Independent Medical Exams and appointments of that type.

Yours,

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