

Checklist: Section 1557 Final Rule

*Get up to speed with new requirements of the Section 1557 final rule.
Published on May 6, the final rule became law on July 5, 2024.*



"Final Rule"

What is Section 1557?

"Section 1557 is the non-discrimination provision of the Affordable Care Act (ACA). Section 1557 prohibits discrimination on the basis of race, color, national origin, sex, age, or disability in specified health programs or activities, including those that receive Federal financial assistance."

– US Department of Health and Human Services

1. NOTE EXPANDED COVERAGE AND SCOPE

What's Covered? The Final Rule clarifies and sometimes expands the entities covered under Section 1557. This now explicitly includes:

- Health insurers
- Hospitals
- Any health program or activity receiving federal financial assistance.

2. NOTE STRENGTHENED LANGUAGE ACCESS MANDATES

Enhancing Communication: Effective communication with Limited English Proficiency (LEP) patients is not just a courtesy—it's a requirement. Covered entities must:

- Provide free oral interpretation and written translation services.
- Ensure these services are accurate and timely.

Takeaway for Administrators:

- Assess your current language services to ensure they meet the new standards.
- Consider partnerships with reputable language service providers to fill any gaps.

3. OVERSIGHT ON AI AND MACHINE TRANSLATION

Innovative but Inclusive: With the increasing integration of AI and machine translation, the Final Rule puts a strong emphasis on preventing discrimination that might arise from these technologies. Covered entities are required to:

- Regularly evaluate AI tools used in clinical decision-making for biases.
- Ensure that machine translation meets accuracy standards when used.

Administrative Action Points:

- Implement regular reviews and audits of AI technologies.
- Establish protocols for human oversight where AI tools are used.

4. ENHANCED COMPLIANCE COORDINATION

Streamlined Processes: The rule mandates more structured compliance mechanisms:

- Every covered entity must designate a compliance coordinator who will oversee all aspects of adherence to Section 1557. This individual will serve as the primary contact for all compliance-related issues and will ensure that the organization's policies and procedures are up to date with the latest federal guidelines.
- Establishment of detailed grievance procedures.

Strategy for Compliance:

- Identify a dedicated team or individual responsible for monitoring adherence to Section 1557.
- Train staff in how to handle grievances effectively.

5. PROHIBITING DISCRIMINATION

A Clear Stance: Discrimination based on race, color, national origin, sex, age, or disability is strictly prohibited. This includes:

- Refusing service based on gender identity.
- Charging different rates based on national origin.

Leadership Lens:

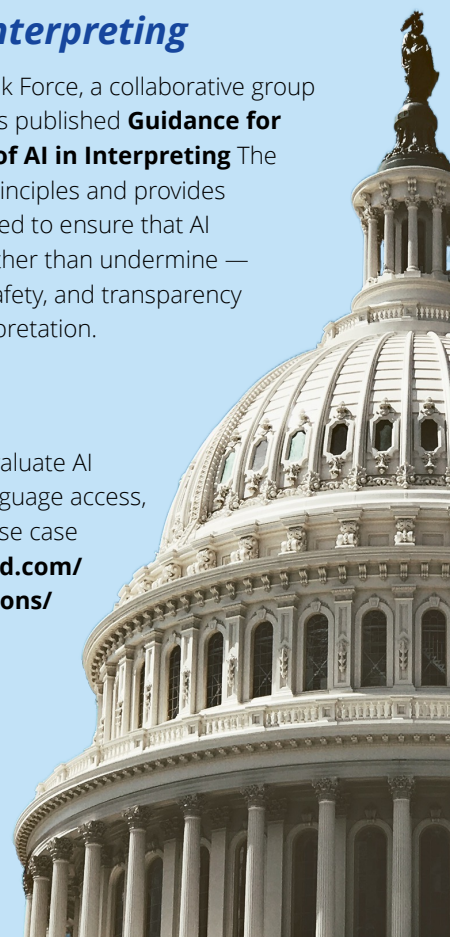
- Reinforce non-discrimination policies within your organization.
- Regular training sessions for staff to understand and uphold these standards.

Guidance on AI Interpreting

The Interpreting SAFE-AI Task Force, a collaborative group of industry stakeholders, has published **Guidance for the Safe and Ethical Use of AI in Interpreting**. The Guidance outlines ethical principles and provides actionable examples designed to ensure that AI technologies enhance — rather than undermine — the accountability, quality, safety, and transparency standards in language interpretation.

www.safeaitf.org

To learn more about how evaluate AI solutions for meaningful language access, read our white paper with use case toolkit at www.masterword.com/how-to-evaluate-ai-solutions/



6. QUALIFIED INTERPRETERS AND TRANSLATORS: A MUST

Quality Over Convenience: Using qualified professionals to communicate with individuals who are LEP is essential, and the rule specifies:

- Proficiency requirements for interpreters and translators.
- Restrictions on using family members, especially children, as interpreters.

Operational Insight:

- Develop a Language Access Plan that includes how patients can have timely and effective access to qualified interpreters and translators, in person and remotely.
- Create clear policies around when and how family members can be involved in interpretation.

7. TECHNOLOGY IN LANGUAGE ASSISTANCE

Balancing Tech and Touch: AI technology can aid in language assistance but must be carefully managed:

- For machine translations (MT), “when the underlying text is critical to the rights, benefits, or meaningful access of an individual with limited English proficiency, when accuracy is essential, or when the source documents or materials contain complex, non-literal or technical language, the translation must be reviewed by a qualified human translator.”

Technology Tactics:

- Evaluate the technologies your organization uses for language services and partner with a Language Services Company that can help you to dynamically incorporate human in the loop and human at the core services as organization reliance on AI technology becomes more ubiquitous.
- Ensure compliance with nondiscrimination, privacy, and accuracy standards.

8. NOTICES AND TAGLINES

Informed Patients: Patients must be aware of their rights to non-discrimination and language assistance:

- Notices and taglines must be visible in all significant communications.
- Information should be provided in the top 15 languages spoken in the community.

Communication Checklist:

- Review and update your current notices and publications.
- Ensure accessibility and visibility in all patient areas.

9. ENFORCEMENT AND ACCOUNTABILITY

Keeping Compliance Central: Non-compliance can lead to significant penalties:

- Potential termination of federal funding.
- Legal actions by federal agencies.

Governance Guidelines:

- Establish a robust internal audit system to ensure continuous compliance.
- Be proactive in resolving any identified issues before they escalate.

10. DEADLINES FOR COMPLIANCE

Mark Your Calendars: The rule sets clear deadlines for compliance:

- **Full Integration of AI Tools by May 1, 2025:** Healthcare entities must fully integrate AI tools that comply with the non-discrimination and accuracy requirements of the Final Rule by this deadline. This includes implementing oversight mechanisms to regularly assess AI-driven tools for biases and ensuring that these tools are used appropriately within patient care contexts.

Labeling Translations for Transparency

Labeling translation output can be helpful in managing increasing machine translation demands and informing healthcare providers and patients whether a translated text has been reviewed by a qualified human translator.

ASTM F2575-23 “Standard Practice for Language

Translation” recommends translation providers use two labels:

1. **BRT** - bilingually reviewed translation
2. **UMT** - unedited machine translation

www.astm.org

Section 1557 Compliant Language Access with MasterWord

Talk with an expert at MasterWord about bringing your Language Access Plan to full compliance, including “human review” and “human supervision” mechanisms to maximize your organization's plan for AI integration.

MasterWord helps you deliver exceptional patient-centered care across 350+ languages, including American Sign Language and rare and indigenous languages. A trauma-informed organization with three decades of experience, MasterWord partners with health care systems, hospitals, and providers for sensitive, confidential, and time-critical language services, compliant with HIPAA, ACA Section 1557, ADA, CLAS, and Title VI.

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