The Informed Consent Process: Overcoming Language Barriers

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Back in October, the OMSNIC Risk Management Committee announced the completion of the Informed Consent project. The Committee thoroughly reviewed and revised all of the informed consent forms and made the library of forms available on the website.

In the weeks that followed the October release, OMSNIC received multiple calls requesting the consent forms be translated into U.S. Spanish. In response to our insured’s requests, OMSNIC’s newly-revised consent forms are being translated from English into U.S. Spanish, and will be available on www.omsnic.com in March.

Our goal was to provide our policyholders access to a library of consent forms written in the second most common language spoken in the United States. Our informed consent forms have been translated by a credible organization founded by a group of multilingual doctors, scientists and engineers. The process was managed by project managers who understand the complexities of both technical and linguistic challenges, and have experience translating informed consent forms. The project managers employed a robust translation process that included translation, editing, and proofreading. In addition, the new U.S. Spanish forms have been certified and vetted by some of OMSNIC’s own Spanish-speaking OMS. The translated forms mirror the English forms, a feature that will greatly assist you when addressing a Spanish-speaking patient. Similar to the English forms, these forms will easily convert into your EMR system.

Spanish Translated Consent Forms Available in March

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The Informed Consent Process: Non-English Speaking Patients

The documents themselves fulfill only one aspect of the informed consent process. In addition to the patient signing an informed consent form, in any language, the informed consent process requires a thorough discussion with the patient and the appropriate documentation of the event. The translated document alone does not remove the need for a skilled speaker or medical interpreter to effectively inform and discuss the proposed procedure with the patient, and answer any questions a patient might have. During the informed consent process, the discussion might be the patient’s main approach to comprehending the proposed treatment. A person’s ability to read and write in their native language is not necessarily equivalent to their ability to speak their native language. Consider a patient who cannot read or write presents to your office for an “emergent” tooth extraction. This patient is accompanied by a friend, but both of them only speak Spanish. For this patient, reading and comprehending a Tooth Extraction Informed Consent Form translated in Spanish might be difficult. If the form was the only means of describing the procedure, risks, benefits, and alternatives to treatment, this patient would not be well-informed about the procedure, and any complications that might arise. For a doctor who is conversant in Spanish, leading the informed consent conversation without an interpreter might be appropriate. For a doctor who is not conversant in Spanish, attempting to “get by” with the conversation in English will not suffice.

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The level of patient comprehension required in all aspects of treatment, including the informed consent process, dictates the patient be provided with sufficient information to make an educated decision to proceed or to forgo the procedure/treatment. In the United States, the average adult American reads at a 5th or 6th grade level. For this reason, the informed consent process begins with an in-depth conversation with the doctor regarding the procedure; followed by the reading and discussion of the informed consent form that is written in very basic language; and concludes with a note in the chart describing the process and the patient’s decision.

Know Your Patient Population

To successfully implement the informed consent process, consider your patient demographic. If your office regularly treats non-English speaking patients, and you only speak English, considerations should be made to find a credible medical interpreter or hire a bilingual or multilingual speaking staff member who can assist with translation as needed. Local hospitals are great resources for identifying credible interpreters. It is also essential you know the guidelines enacted by the Americans with Disabilities Act related to interpreters and interpretation, some of which will be covered in this issue. Lastly, consider downloading the new OMSNIC informed consent forms that have been translated into U.S. Spanish if you treat Spanish-speaking patients. If you have any questions on how to use the forms, please call OMSNIC and ask for a Risk Manager to assist you.