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3 Title: Requiring Translated Procedural Consent Forms  
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5 Introduced by: Ashton Lewandowski, for the Medical Student Section  
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7 Original Author: Charlotte Jackson  
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9 Referred To: Reference Committee A  
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11 House Action: **APPROVED AS AMENDED**  
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14 Whereas, procedural informed consent is an ethical and legal responsibility of clinicians  
15 providing care for patients to ensure, at a minimum, their understanding of the details and risks  
16 surrounding the indicated procedure, and  
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18 Whereas, the Joint Commission defines health literacy as "the degree to which individuals  
19 have the capacity to obtain, process, and understand basic health information and services needed  
20 to make appropriate health decisions," which includes in the language the patient predominantly  
21 speaks, and  
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23 Whereas, Title VI of the federal Civil Rights Act requires that hospitals provide interpretation  
24 services to Limited English Proficiency (LEP) patients and those with disabilities that affect their  
25 ability to communicate, underscoring the importance of relaying comprehensible materials to  
26 patients, and  
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28 Whereas, the U.S. Food and Drug Administration (FDA) requires informed consent  
29 documents for research to be provided in a language understandable by the study subject, or in  
30 the same language in which the consent is conducted, and consent for medical procedures should  
31 be held to the same or higher standard as for research purposes, and  
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33 Whereas, there is evidence to suggest that patients with limited English proficiency,  
34 especially when professional medical interpreter services are not used consistently, are at risk for  
35 increased length of stay, more complications, and worse clinical outcomes, and  
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37 Whereas, in the state of Michigan, there are 942,897 citizens comprising 10 percent of the  
38 population, who do not speak English at home, and  
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40 Whereas, in the state of Michigan, the most prevalent languages spoken, following English,  
41 are Arabic, Spanish, and Chinese (Mandarin and Cantonese), and  
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43 Whereas, of those most common languages, a significant percentage (38.6 percent of  
44 Arabic speakers, 34.7 percent of Spanish speakers, 39.1 percent of Chinese speakers) of those  
45 Michiganders speak English less than "very well" and would need an interpreter for any consent  
46 process; therefore be it  
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48 RESOLVED: That MSMS encourage its members to use translated procedural consent forms  
49 in their practice.

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WAYS AND MEANS COMMITTEE FISCAL NOTE: \$1,000-\$2,000

**Relevant MSMS Policy:**

[MSMS Guide on Legal Issues for Physicians Treating Hearing Impaired or Limited English Proficiency Patients](#)

**Relevant AMA Policy:** None

**Sources:**

1. Benak LD, Applegate S. Informed consent and issues surrounding lack of capacity vs. incompetence. J Forensic Nurs 2006; 2:48, 45
2. Joint Commission "What Did the Doctor Say?": Improving Health Literacy to Protect Patient Safety, Executive Summary [http://www.jointcommission.org/assets/1/18/improving\\_health\\_literacy.pdf](http://www.jointcommission.org/assets/1/18/improving_health_literacy.pdf) (Accessed on February 17, 2023)
3. A Guide to Informed Consent. U.S. Food and Drug Administration. <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/guide-informed-consent#nonenglish>. Accessed February 17, 2023
4. Luan-Erfe BM, Erfe JM, DeCaria B, Okocha O. Limited English Proficiency and Perioperative Patient-Centered Outcomes: A Systematic Review [published online ahead of print, 2022 Sep 5]. Anesth Analg. 2022;10.1213/ANE.0000000000006159. doi:10.1213/ANE.0000000000006159
5. State language data - MI. migrationpolicy.org. <https://www.migrationpolicy.org/data/state-profiles/state/language/MI>. Published October 1, 2022. Accessed February 17, 2023