



Using Sign Language Interpreters in Medical Settings

What is a health care provider's responsibility?

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Center for Disabilities Studies



Speakers

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Presentation Overview

- Overview of the ADA and enforcement history
- Definitions
- How to communicate using “auxiliary aids”
- Finding a qualified interpreter
- Interpreter duties and code of ethics
- Resources



The Americans with Disabilities Act

- Civil rights legislation / addresses discrimination
- Prohibits discrimination against individuals with disabilities, including depriving them of the full and equal enjoyment of the goods, services, facilities, privileges, advantages or accommodations of any place of public accommodation.



ADA protects three categories of individuals

- 1) Individuals who have a physical or mental impairment that substantially limits one or more major life activities;
- 2) Individuals who have a record of a physical or mental impairment that substantially limited one or more of the individual's major life activities; and
- 3) Individuals who are regarded as having such an impairment, whether they have the impairment or not.



Provider Responsibility

A **public accommodation** shall take those steps that may be necessary to ensure that no individual with a disability is excluded, denied services, segregated or otherwise treated differently than other individuals because of the absence of **auxiliary aids and services ...**



Provider Responsibility

...unless the public accommodation can demonstrate that taking those steps would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations being offered or would result in an **undue burden**, i.e., significant difficulty or expense.



Provider Responsibility

Health care providers have a duty to provide **appropriate auxiliary aids and services** when necessary to ensure that communication with people who are deaf or hard of hearing is **as effective as communication with others.**



Provider Responsibility

- Regardless of the size of the office or the number of employees.
- Extends to “companions” – not just the patient.
 - A father who is deaf in a child-birth preparation class.
 - A parent who is deaf if the child is the patient.
- Cannot rely on family members, etc. to interpret (with 2 exceptions)



Risk and consequences of not providing effective communication

- Nature of health care elevates the magnitude of consequences
 - Diagnosis
 - Medication dosage
 - Treatment regimen



Effective Communication Considerations

- the nature, length, and importance of the communication;
- the individual's communication skills and knowledge;
- the patient's health status;
- the patient's and/or companion's request for an interpreter or other specific auxiliary aid or service;
- the reasonably foreseeable health care activities of the patient; and
- the availability at the required times, day or night, of appropriate auxiliary aids and services.



Definitions

- Flexible (or vague?)
- Open to interpretation



Definitions: Effective communication

- Who decides what type of auxiliary aid should be provided?
- The U.S. Department of Justice expects that the health care provider will consult with the person and consider carefully his or her self-assessed communication needs
 - The ultimate decision as to what measures to take rests with the provider, provided that the method chosen results in effective communication.



Definitions: Undue Burden

Settlement agreements with DOJ are clear:

- being reimbursed less than the cost of the interpreter is not considered an undue burden



Enforcement

- Settlement agreements provide detail of what DOJ expects
 - Training of staff
 - Established relationships with interpreter agencies
 - Modified forms to ensure a communication determination is made
 - Signage



Enforcement

- Equal accommodations statute in Delaware



Business considerations

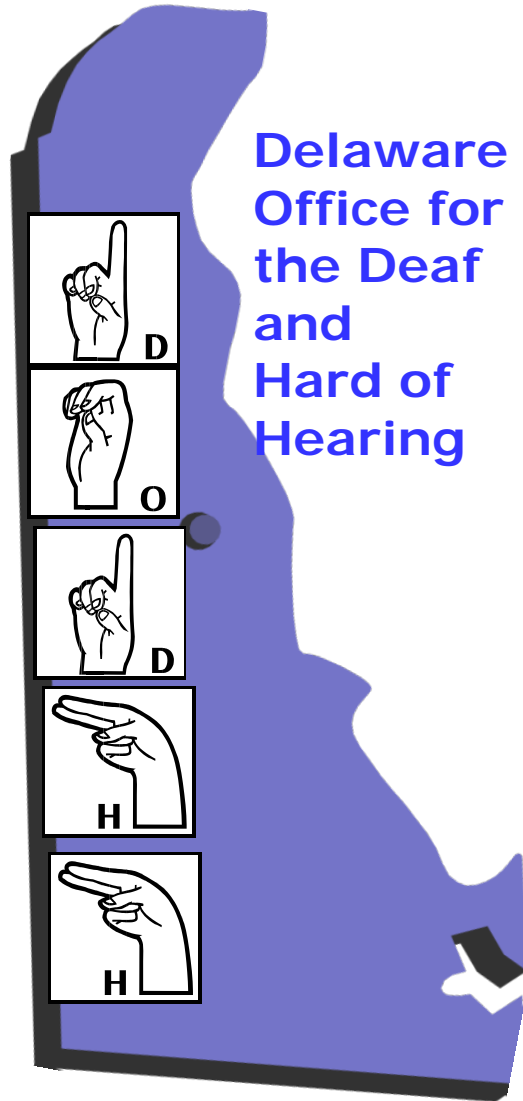
- Tax credit
 - Available for up to \$5,000 (half of eligible expenses up to \$10,250) to offset cost of providing access
- Tax deduction
 - Business expenses deduction of up to \$15,000 for costs of removing barriers in facilities or vehicles.



- Focus on effective communication
- Establish policy and procedure
- Incorporate communication assessment into intake process
- Train staff on providing accommodations
- Consider expenses as cost of doing business
- Use tax incentives to improve accessibility

Recommendations





Deaf Culture 101

Training

Tuesday, October 12, 2010

at
UDel Center for Disabilities
Studies



Communicating with Patients who are Deaf or Hard of Hearing

- Getting the patient's attention and establish eye contact before communicating.
- Always have pen and paper available.
- Write in short, simple sentences.
- Use facial expressions and gestures to communicate.
- Use the word "I" and "you" when communicating with the interpreter.
- Patients who are hard of hearing and do not sign Language. Speaking to her or him normally.



Assistive Technology

- TTY devices
- Amplified telephone
- Videophone device
- Doorbell and telephone flasher
- Knock flasher
- Fire smoke with flasher
- Clock with bed vibrator
- Watch vibrator
- Personal FM system
- Meeting FM System
- Hearing dog (service dog)



Telecommunication Relay Services (TRS)

Title IV of Americans with Disabilities Act Telecommunications Relay Services

The Federal Communications Commission (FCC) implements Title IV of the ADA which covers Telecommunications Relay Services (TRS). TRS enables a person with a hearing or speech disability to access the telephone system and communicate with persons without such a disability.



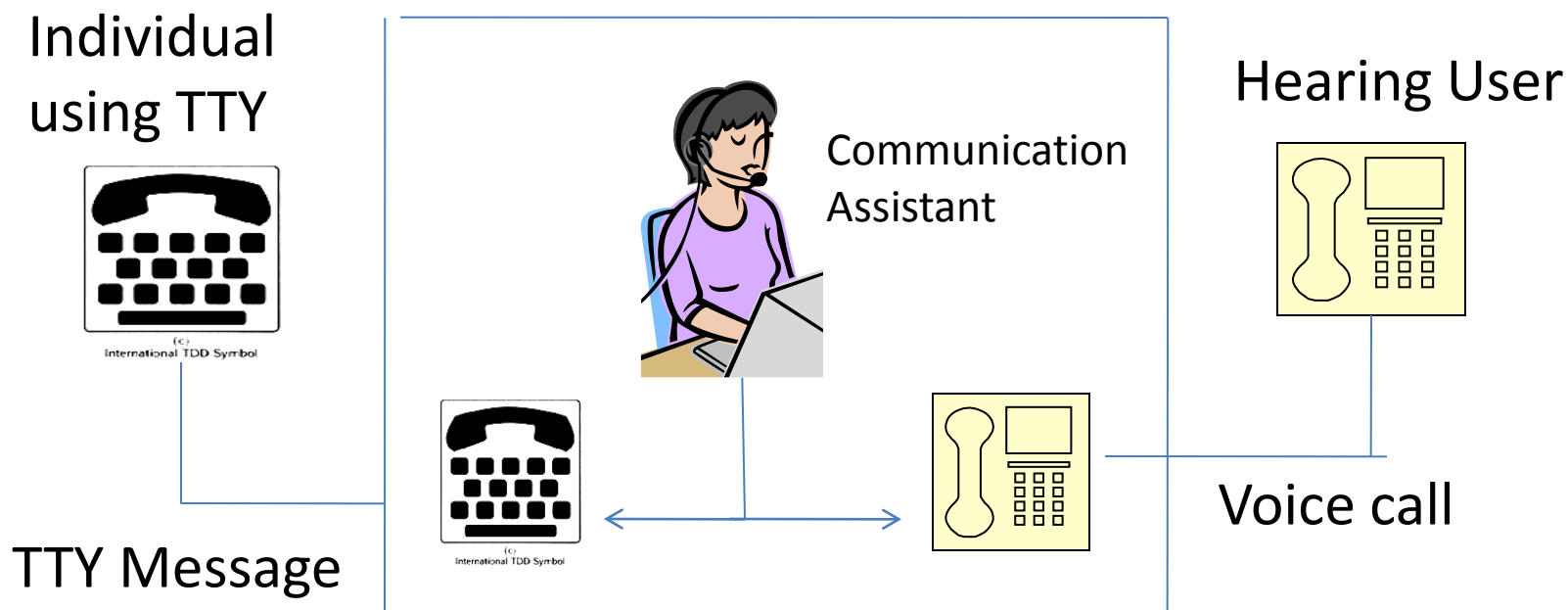
Telecommunication Relay Services (TRS)

TRS Providers are required to provide the following types of TRS calls by FCC Rules.

- Intrastate and interstate nationwide availability.
- Provides 800 number and 7-1-1 number.
- Must operate 24 hours and 7 days.
- Conversations must be kept strictly confidential .

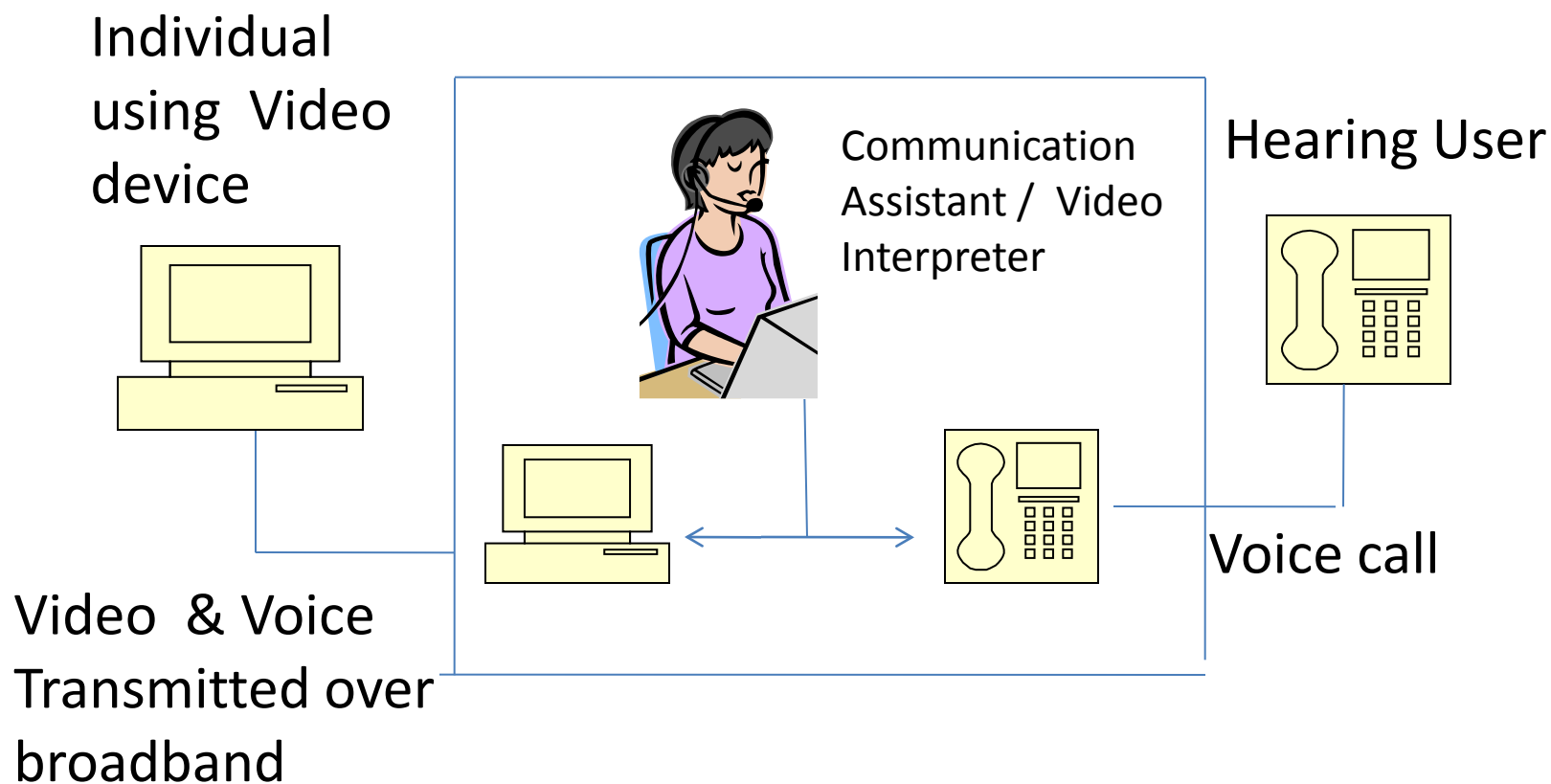
TTY Traditional Relay Services

Text –to- voice & voice-to text

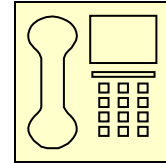
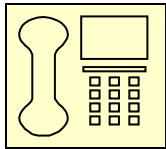


Video Relay Services

Video –to-voice & voice-to Video



Voice Carry Over



Hard of Hearing user speaks directly to the other party user

The person listens and voices his/her response to CA



OR



(C)
International TDD Symbol



Hard of hearing reads the typed response.

CA Listens and types the hearing user's response to the hard of hearing user

Hearing Carry Over

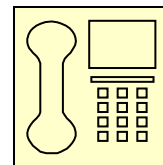


(c)
International TDD Symbol

Speech disabled user
types his/her messages



CA reads and then
voices the message to
the other person.



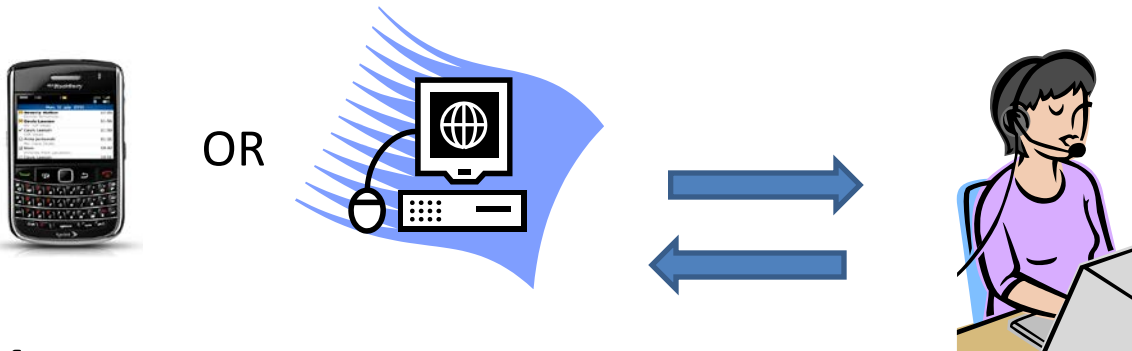
Person listens and then
speaks directly to the
speech disabled user



(c)
International TDD Symbol

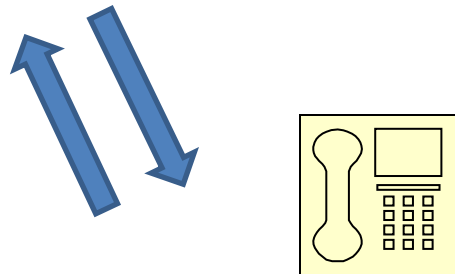
Speech disabled user
listens to the voice of
the person user

Internet Protocol (IP) Relay



1. IP Relay user connects to an CA and types message to a person user.

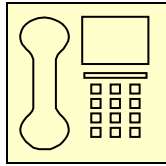
2. CA reads message and voices it to the other person.



3. Person user listens and then voices to her/his reply .

4. CA listens and types the spoken reply to the IP Relay user..

Speech to Speech

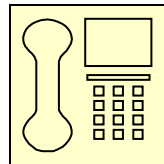


1. Speech disabled user voices her/his message to CA



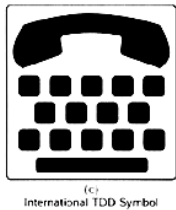
2. CA voices to the other user.

Both callers can speak and hear at the same time.



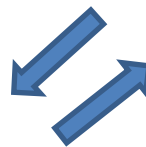
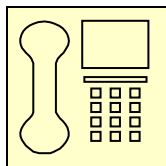
3. Person user listens and responds directly to speech disabled use

Spanish Relay Service



1. TTY user dials the number to connect and types her/his message in Spanish

2. CA reads and voices the typed message to the hearing person in either Spanish or English, depending on TTY user's request.



3. Hearing person listens and then voices her/his reply in either Spanish or English

4. CA listens and types the spoken reply in Spanish to the Deaf or HH person

Captioned Telephone (CapTel)



CapTel, like VCO, is used by persons with a hearing disability but some residual hearing. It uses a special telephone that has a text screen to display captions of what the other party to the conversation is saying.

CapTel service is not yet available in Delaware through the TRS service. However, a person with hearing loss may be eligible for a CapTel phone if they are an active Federal Employee at

<http://www.captionedtelephone.com/federal.php>

Web Captioned Telephone (WebCapTel)



WebCapTel lets you enjoy telephone conversations with the convenience of online captions. You make / receive phone calls using any phone you want, while viewing captions of the call in the Internet browser window on your computer. It's just like a traditional CapTel phone call, only you use your own phone (any phone!) and watch the captions online instead of in the CapTel display screen.



How to obtain a sign language interpreter(s)

Requests for sign language interpreter(s) should be made at the **earliest possible** date before the interpreter is needed. **Before arranging for interpreters or auxiliary aids**, find out the needs and preferences of the Deaf and Hard of Hearing individuals.

1. Date of Event
2. Start and end time of event
3. Location and full address of event
4. Type of event
5. Name of deaf or hard of hearing person(s)
6. Language preference
7. Name of contact person at the location
8. Contact person's phone numbers (Day & Evening).



For more information, contact:

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Public Information Officer
Delaware Office for the Deaf and Hard of Hearing
Division of Vocational Rehabilitation
4425 North Market Street
Wilmington, DE 19802-1307

Email: Loretta Sarro@state.de.us

Phone (direct): 302-504-4147 (VP & Voice)

Phone (direct): 302-761-8243 (TTY)

Phone (main): 302-761-8275 (Voice & TTY)

Web:

<http://www.delawareworks.com/dvr/services/dodhh.shtml>



Who Are You & Why Are You In My Exam Room?

Working with Sign Language
Interpreters

What is a Sign Language Interpreter?

- Fluency
- Linguistic principles, interpreting process, and cultural issues

- Variety



What does an interpreter do?

- **Interprets all communication**
- Unspoken communication
- Environmental
- Cultural information



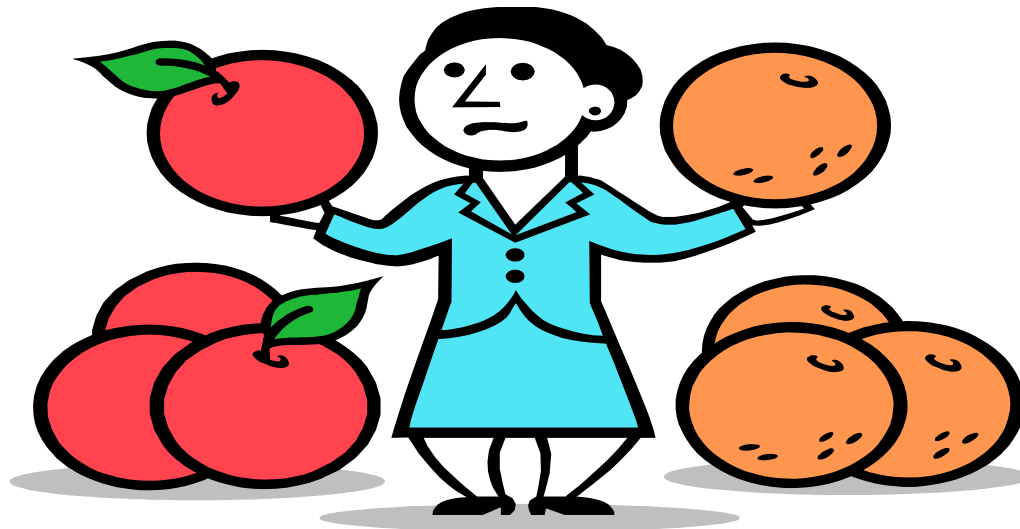
What does an interpreter NOT do?



- Edit the communication
- Give opinions or advice
 - Act as a moral guide
- Become an assistant

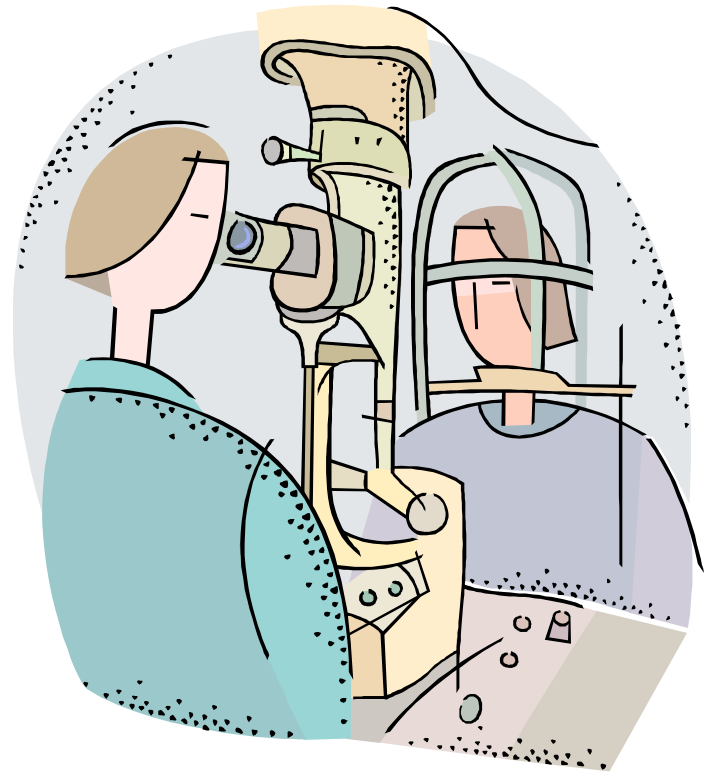
Signer vs. Interpreter

- Signers can sign
- Interpreters are trained professionals
- CDI - Certified Deaf Interpreter



Logistics

- Unobstructed view
- Lighting
- Modesty





Myths & Common Errors

- “Tell her...”
- “Don’t interpret this...”
- “Remind him/ explain this to him...”
- The interpreter knows the Deaf person.
- I have to speak slowly for the interpreter.
- Yes means yes.

Where Can I Find an Interpreter?

Consumer preference



www.RID.org

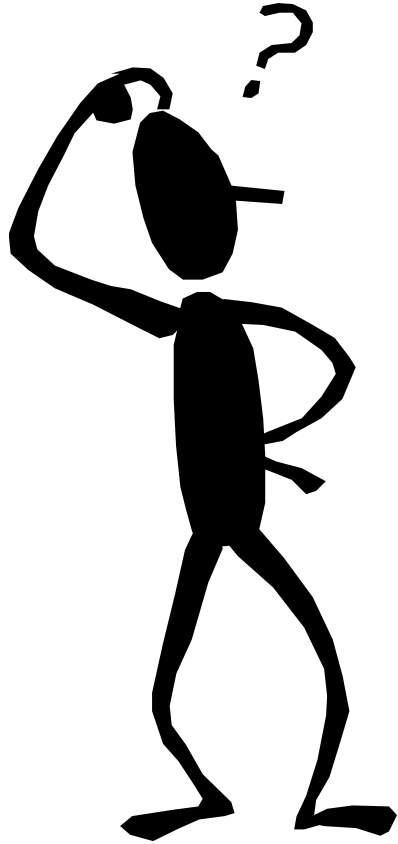
Specific contracts

Do I really have to pay for this?

- The Americans with Disabilities Act requires that services be accessible and this may mean providing an interpreter.
- Charging the patient or insurance
- Tax deduction



How do I know she is signing what I said?



- Professional certification
- Clues to incompetence
 - Ask your patient
- Turnabout is fair play! 😊

Medical Settings

- Preparation
- Med – speak
- Follow up appointments



Medical Settings



- Gender preferences
- Silence can be golden
- **NEVER** use the patient's family members or friends as your interpreter.

??Questions??

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(302) 521-7151

Call or email anytime! Information is free!