

## ***Right to Interpreters and Access to Technology***

### **What's required under the ADA and ACA?**

The Americans with Disabilities Act (ADA) requires doctors and hospitals to provide appropriate aids and services to ensure effective communication with individuals with disabilities.

The Affordable Care Act (ACA) requires the following to provide accommodations to individuals with communication disabilities:

- health programs or activities which receive Federal funds;
- hospitals, health clinics, health insurance programs, state Medicaid agencies, community health centers, physician's practices, home health care agencies, and the Health Insurance Marketplaces; and
- the U.S. Department of Health and Human Services.

### **What's covered?**

Under the ADA, doctors have a duty to help patients who are deaf or hard of hearing:

- ask questions about their medicine and treatment;
- get information about their condition, especially so they can give informed consent and participate in their own medical care and treatment;
- ensure privacy, especially since the details may be personal.

A doctor does this by providing and paying for a qualified sign language interpreter or other appropriate accommodation.

### **Who decides what accommodation is provided?**

State and local government medical providers are **required** to give primary consideration to the request of a person with a communication disability. It must honor the person's choice unless it can show that another equally effective option is available, or that the use of the patient's preference would result in a fundamental alteration or an undue burden. The doctor still has an obligation to provide effective communication.

Non-government medical providers are **encouraged** to consult the person with a disability. They should consider the nature of what is being communicated and discuss what is appropriate.

It takes time to get accommodations in place. Providers may require reasonable, not excessive, advance notice of requests for aids or services. They must honor "walk-in"

requests to the extent possible. dLCV suggests you make any requests in writing when scheduling an appointment. You should confirm your request 48 hours in advance.

### **What if my doctor suggests I bring someone to interpret for me?**

Many providers expect a person who uses sign language to bring a family member or friend to interpret for them. The ADA places responsibility for providing interpreters directly on the provider. A provider can only rely on an individual to bring someone to interpret for them in two situations:

(1) In an emergency involving the safety or welfare of an individual or the public. An adult or minor child accompanying a person who uses sign language may only help when a qualified interpreter is not available.

(2) In **non-emergency** situations when a) the individual requests this, b) the accompanying adult agrees, and c) reliance on the accompanying adult is appropriate under the circumstances. A minor child **cannot** interpret or facilitate communication in non-emergency situations.

### **What else?**

Health programs or activities available electronically must be accessible, unless doing so would result in undue burdens or a change in the nature of the services.

### **What are some other resources?**

For a registry of qualified sign language interpreters:

Virginia Department for the Deaf and Hard of Hearing (VDDHH)

1602 Rolling Hills Drive, Suite 203, Richmond, VA 23229-5012

(800) 552-7917

[www.vddhh.org](http://www.vddhh.org)

For general information on interpreting the ADA:

United States Department of Justice

950 Pennsylvania Avenue, N.W., Washington, DC 20530-0001

(800) 514-0301 (Voice), (800) 514-0383 (TTY)

[www.usdoj.gov/crt/ada/adahom1.htm](http://www.usdoj.gov/crt/ada/adahom1.htm)

### **How can dLCV help?**

dLCV can provide information, technical assistance and, in some cases, legal representation. You can reach our Office by calling (800) 552-3962.

***dLCV publications are available in alternate format, upon request.***