



**NEVADA'S PROTECTION & ADVOCACY SYSTEM  
FOR INDIVIDUALS WITH DISABILITIES**

**Effective Communication & Sign Language  
Interpreters in the Healthcare Setting**

**[WWW.NDALC.ORG](http://WWW.NDALC.ORG)**

# ABOUT NDALC

The Nevada Disability Advocacy & Law Center (NDALC) is a private, statewide non-profit organization that serves as Nevada's federally-mandated protection and advocacy system for human, legal, and service rights for individuals with disabilities.

Services provided by NDALC include, but are not limited to: information and referral services, education, training, negotiation, mediation, investigation of reported or suspected abuse/neglect, legal counsel, technical assistance, litigation services, and public policy work.

**This publication is for informational purposes only; it is not intended to be legal advice. If you have questions about a specific situation please contact NDALC or a private attorney.**

## Effective Communication & Sign Language Interpreters in the Healthcare Setting

The Americans with Disabilities Act (ADA) and state law requires physicians, hospitals, and healthcare professionals to provide effective communication for people who are deaf and hard of hearing. This guide is intended to provide helpful information for the consumer and healthcare professional to ensure effective communication is met.

**Question:** *What is effective communication in healthcare?*

Effective communication allows you to understand your medical condition and treatment options.

**Question:** *Do I need an interpreter for effective communication?*

The answer to this question depends upon the *length* and *complexity* of the conversation you will be having with the healthcare professional.

For example, if you will be discussing your symptoms and treatment options, an interpreter would be necessary to ensure effective communication. On the other hand, filling out medical forms or routine blood tests may not require the need for an interpreter. Instead, you may be able to communicate effectively by writing notes, taking turns at a computer terminal, or utilizing informational sheets. Lip reading may not be an acceptable form of communication and should not be solely relied upon.

**Question: *Who ultimately decides whether an interpreter is required—the patient or healthcare professional?***

The healthcare professional has the responsibility to ensure that there is effective communication with the patient. However, the healthcare professional should consult with the patient to determine whether an interpreter is necessary for effective communication.

**Question: *Who has to pay for the interpreter?***

The healthcare professional. The professional may not refuse to provide an interpreter because the cost of the interpreter exceeds the professional's fee for the office visit.

A healthcare professional may not charge a person who is deaf or the person's insurance company for the cost of providing an interpreter. However, some health insurance companies or Medicaid may be willing to pay for the cost of an interpreter.

Ask your health insurance company if they can help assist with any charges associated with an interpreter.

**Question: *If the cost of an interpreter for an office visit exceeds the fee for that visit, can the healthcare professional charge the person who is deaf for providing an interpreter?***

No. The healthcare professional still must pay for the interpreter. Healthcare professionals, like lawyers, accountants, and other public accommodations covered by the ADA, are expected to treat the cost of an interpreter as part of the overhead cost of operating a business.

**Question: *Who is a qualified interpreter?***

A qualified interpreter is an interpreter who is able to interpret effectively, accurately, and impartially both receptively and expressively, using any necessary specialized vocabulary.

**Question: *Can a family member or other person be asked to Interpret?***

No. It is inappropriate to ask a family member or friend to interpret. Family members and friends may be unable to interpret accurately in emotional situations involving healthcare issues.

**Question: *Does a healthcare provider need to provide an interpreter for a family member or others who are deaf?***

Yes. A healthcare provider must communicate effectively with customers, clients, and other individuals who are deaf or hard of hearing that are seeking or receiving its services.

For example, the parent of a minor child, a spouse, or other person who makes healthcare decisions may need an interpreter to effectively participate in making healthcare treatment choices for the patient.

Classes and support groups must also be accessible.

**Question: *Is Video Remote Interpreting (VRI) an appropriate alternative to provide effective communication?***

Video Remote Interpreting (VRI) uses videoconferencing technology and an internet connection to provide interpreter services usually located at a call center, to people at a different location.

VRI is an acceptable form of effective communication when the equipment utilized is functioning properly and the healthcare provider has sufficient training and knowledge in using the equipment.

**Tips to ensure the Healthcare Professional Provides an Interpreter**

- ◆ At the time you schedule the appointment, tell the professional's office that you are deaf and ask that them to provide an interpreter
- ◆ Provide the name and telephone number of a reputable interpreter agency if necessary before your designated appointment, write a letter to the healthcare professional requesting an interpreter for your scheduled appointment. (Attached to this guide is a sample letter requesting an interpreter.)

If the Healthcare Professional refuses to provide an interpreter or effective communication is not provided:

If the healthcare professional still refuses to provide an interpreter, you may file a complaint with any or all of the entities listed below.

Nevada Equal Rights Commission

Complaint must be filed within 300 days of the alleged discriminatory action.

Reno: 775-823-6690 (voice)  
Las Vegas: 702-486-7164 (voice)

[http://detr.state.nv.us/Nerc\\_pages/public\\_accomodation\\_discrimination.htm](http://detr.state.nv.us/Nerc_pages/public_accomodation_discrimination.htm)

U.S. Department of Justice

Include (a) your name and address; (b) a statement that you have a hearing impairment and need a sign language interpreter to communicate effectively with others; (c) the name and address of the healthcare professional; (d) an explanation of what you did to try to get the professional to provide an interpreter; (e) an explanation of what you were going to discuss with the doctor (such as risks of surgery, risks and benefits of medications, etc.); (f) a statement that the professional refused to provide an interpreter; (g) the date on which the professional refused to provide the interpreter; (h) any other information that you believe would be helpful in understanding your complaint; (i) a statement that the professional violated the Americans With Disabilities Act; and (j) a request that the Department of Justice investigate your complaint.

Submit your complaint by fax or email to:

US Department of Justice (DOJ)  
Civil Rights Division  
Disability Rights Section – NYAV  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530  
800-514-0301 (voice)  
800-514-0383 (TTY)

<http://ada.gov/t3compfm.htm>

\*Although neither the ADA nor the regulations of the Department of Justice contain a deadline for filing a complaint, you should do so as soon as possible.

You do not have to file a complaint with the DOJ prior to filing a lawsuit.

Office for Civil Rights of the U.S. Department of Health and Human Services:

If your healthcare provider accepts Medicaid or funds from the Department of Health and Human Services; or a state or local government program – file a complaint with the Office for Civil Rights.

Office for Civil Rights  
U. S. Department of Health and Human Services  
200 Independence Avenue, SW - Room 506-F  
Washington, D.C. 20201

800-368-1019 (voice)  
800-537-7697 (TDD)

<http://www.hhs.gov/ocr>

The complaint must be filed not later than 180 days from the date of the alleged discrimination.

File a lawsuit against the healthcare professional:

To file a lawsuit, you should contact an attorney to discuss your options and understand your rights. You do not have to file a complaint with the DOJ prior to filing a lawsuit. There are timelines for filing a lawsuit so do not wait for a response from the DOJ if you have already filed a complaint.

State Bar of Nevada Lawyer Referral & Information Service

800 789-5747(voice)

<http://www.nvbar.org/content/lawyer-referral-information-service>

***For more information go to:***

[www.ada.gov](http://www.ada.gov)

[www.fcc.gov](http://www.fcc.gov)

Sample Letter Requesting a Sign Language Interpreter

March 10, 2015

Jonathan Myers, M.D.  
1201 Terminal Way, Suite 219  
Reno, NV 89502

RE: Sign language interpreter request for Matthew Smith

Dear Dr. Myers:

I have an appointment with you on May 5, 2015. I am Deaf/Hard of Hearing and will need a sign language interpreter to communicate effectively with you. Therefore, I request that you provide an interpreter during my appointment.

If you have any questions or concerns please contact me at 702-555-1234.

Sincerely,

Matthew Smith  
123 Jones Ave.  
Las Vegas, NV 89123  
702-555-1234

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## NDALC OFFICES

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