



HRSA
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HRSA
Health Resources & Services Administration

Effective Communication in Healthcare

Strategies to Meet Your Obligations Under Disability Law

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Vision: Healthy Communities, Healthy People



Session II Objectives

Understand legal obligations



Consider examples of communication disabilities



Review strategies to help promote compliance



Obtain resources



Legal Requirements

Section 504 of the
Rehabilitation Act

Americans with
Disabilities Act

Section 1557 of the
Affordable Care Act

Recipients must take appropriate steps to ensure communication with people with disabilities is **equally as effective** as communication with people without disabilities.

Communication Disabilities

Disabilities that affect **hearing, seeing, speaking, reading, writing, or understanding** may use different ways to communicate.

Recipients must provide appropriate **auxiliary aids and services** when necessary to ensure effective communication with patients with communication disabilities.

Auxiliary Aids and Services

General requirements – Must provide services:

- At no cost;
- Where it allows an equal opportunity to participate in program or activity; and
- In accessible format, timely manner, and in such a way that protects privacy and independence.

Will vary according to:

- Method of communication used by the individual;
- Nature, length, and complexity of the communication involved; and
- Context in which the communication is taking place.

General Prohibitions

Recipients may NOT:

- Require person with a disability to bring another individual to interpret for them;
- Rely on minor child to interpret or facilitate communication (except in an emergency);
- Rely on an adult accompanying person with disability to interpret or facilitate communication (except in an emergency **or** if person with disability requests it, adult agrees, and reliance on adult is appropriate); or
- Retaliate against an individual for requesting aids or services.

Limitations

Fundamental alteration

- A change so significant that it alters the essential nature of the goods or services offered by a covered entity

Undue burden

- Significant difficulty or expense
- Evaluated on a case-by-case basis relative to the entity's overall resources

Note:

- Even if a particular aid or service would cause an FA or UB, you still have a duty to provide an alternative aid or service that is equally effective, if one is available.

Patients with Visual Impairments

Examples of alternative formats to standard size print:

Braille

Large print
text

Electronic
format

Audio
recordings

Qualified
reader

Patients with Visual Impairments (continued)

Examples of materials that should be provided in alternative formats:

Medical exam, test, and lab results

Information explaining diagnoses or treatment

Prescription medication instructions

Explanations of informed consent

Directions on how to manage chronic conditions

Childbirth preparation resources; prenatal care materials

Patients with Intellectual and Developmental Disabilities (I/DD)

Allow extra time

Use repetition

Ask clarifying questions

Avoid pretending to understand

Use pictures/objects

Provide questions/info ahead of time

Patients who are Deaf/HH

Do not rely entirely on:

Lip reading

Written notes

Interpreters who only use American Sign Language

Volunteer interpreters

Qualified Sign Language Interpreter

**An interpreter
who**

**via a VRI service
or on-site
appearance**

**is able to
interpret
effectively,
accurately, and
impartially**

**both receptively
and expressively**

**using any
necessary
specialized
vocabulary.**

Family Members as Interpreters?

**No!
Because
family
members
generally:**

Cannot remain impartial

Do not have appropriate language skills
(specialized vocabulary)

Do not have training to effectively and
accurately interpret a medical appointment.



Auxiliary Aids & Services for Patients who are Deaf/Hard of Hearing

Qualified sign language interpreters (onsite)

Video remote interpreting

Note takers

Written materials or notes

Assistive listening systems/devices

Open or closed captioning, including real-time

Voice, text, and video-based telecommunications systems

Visual medical aids, charts, diagrams



Video Remote Interpreting (VRI) – Legal technology requirements

Performance standards

Video/audio quality

High speed connection

Clear picture

Easily understood transmission



Issues with VRI



Patient is in pain or under the influence



Size and distance of device



Patient has visual impairment



Weak signal/audio



Multiple deaf individuals cannot all access VRI



Interpreters cannot see context

Tips for Accessible Print Materials

Use simple and direct language (elementary level).

Use large font.

Use clean and simple fonts.







Do not clutter text with shading, overlays, or use pictures behind text.

Avoid glossy paper; use matte paper.







Ensure sufficient contrast between text and background colors.



Effective Communication Policies and Procedures

-  Definition of who is entitled to services
-  Examples of services that the entity has available
-  How to respond to a request for services
-  How long it should take to respond to requests
-  Where devices are stored
-  Names of subcontractors that provide services

Effective Communication Policies and Procedures #2

-  Hours of when services are provided
-  Procedures for obtaining services during an emergency
-  When to exchange written notes v. call an interpreter
-  Who is considered a qualified interpreter
-  Language about friends, family, and 3rd parties
-  Appropriate times and settings to use VRI

Contact

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