

# Effective Communication

Under Section 504 of the Rehabilitation Act (Section 504), the Americans with Disabilities Act (ADA) and Section 1557 of the Affordable Care Act (ACA), recipients of federal funding must take appropriate steps to ensure effective communications with all applicants, participants, and members of the public in their programs and activities.<sup>1</sup>

## General Requirements

The goal of effective communication is to ensure that communication with people with disabilities is equally effective as communication with people without disabilities. Federal law uses the term “auxiliary aids and services” to refer to ways a recipient may communicate with a person who has hearing and/or vision impairments. The ADA requires recipients to provide auxiliary aids and services:

- Where it is necessary to give people with disabilities an equal opportunity to participate in, and enjoy the benefits of, its health program or activity; and
- In an accessible format, timely manner, and in such a way that protects the privacy and independence of the person with a disability.

Additionally, under Section 504 and the ADA, recipients are also required to take appropriate and continuing steps to notify program participants, beneficiaries, applicants, and other interested persons that the recipient does not discriminate on the basis of disability in violation of federal law.

## General Prohibitions

The ADA states that in providing auxiliary aids and services, a recipient may NOT:

- Require a person with a disability to bring another individual to interpret for him/her;
- Rely on a minor child to interpret or facilitate communication, except in an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available; or
- Rely on an adult accompanying an person with a disability to interpret or facilitate communication except:
  - In an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available; or
  - Where the person with a disability specifically requests for the accompanying adult to interpret or facilitate communication, the adult agrees to provide such assistance, and reliance on that adult is appropriate under the circumstances.

## What Type of Auxiliary Aid or Service?

Under Section 504 and the ADA, a recipient must give primary consideration to the requests of people with disabilities when determining what types of auxiliary aids and services are necessary. The type of auxiliary aid or service necessary to ensure effective communication will vary in accordance with:

- The method of communication used by the individual;
- The nature, length, and complexity of the communication involved; and
- The context in which the communication is taking place.

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<sup>1</sup> Covered entities are not required to take any action that would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens.

# Effective Communication

The ADA lists various types of auxiliary aids and services to ensure effective communication with people who have hearing and/or vision impairments. For persons who are deaf or hard of hearing these include:

- Qualified interpreters<sup>2</sup> on-site or through video remote interpreting services;
- Note-takers, real-time computer-aided transcription services, written materials, exchange of written notes;
- Telephone handset amplifiers, assistive listening devices/systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning;
- Voice, text, and video-based telecommunication products (including text telephones (TTYs)), video phones, and captioned telephones, videotext displays, accessible electronic and information technology, or other effective methods.

For persons who are blind or have low vision these include:

- Qualified readers,<sup>3</sup> taped texts, audio recordings, Brailled materials and displays;
- Screen reader software, magnification software, optical readers;
- Secondary auditory programs (SAP), large print materials, accessible electronic and information technology, or other effective methods.

## Helpful Resources

- ADA.gov
  - Effective communication: <https://www.ada.gov/effective-comm.htm>
  - Tool kit: <https://www.ada.gov/pcatoolkit/chap3toolkit.htm>
- HHS Office for Civil Rights
  - Ensuring effective communication under the ACA: <https://www.hhs.gov/civil-rights/for-individuals/section-1557/fs-disability/index.html>

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<sup>2</sup> A qualified interpreter for an individual with a disability means an interpreter who, via a video remote interpreting (VRI) service or an on-site appearance, is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.

<sup>3</sup> A qualified reader means a person who is able to read effectively, accurately, and impartially using any necessary specialized vocabulary.