





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







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 caseby-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

Use repetition

Ask clarifying questions

Avoid pretending to understand

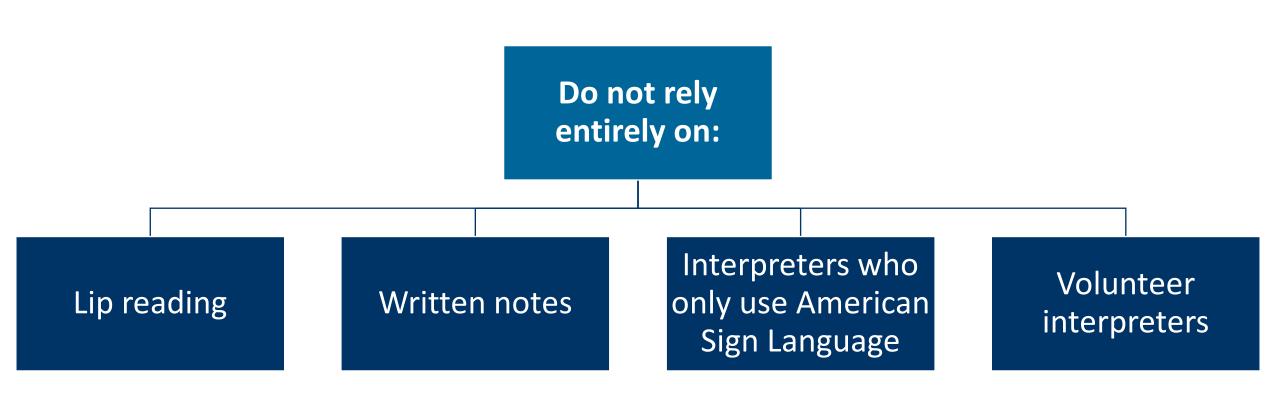
Use pictures/objects

Provide questions/info ahead of time





Patients who are Deaf/HH







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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