



Sign Language
Interpreting Services

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Dear Health Care Provider,

As the director of VisCom, your local provider of sign language interpreting services, I am often asked by health care providers to explain their legal obligations to those who are deaf and hard-of-hearing. As a courtesy to you and your patients, I have prepared a summary of important points to remember so you can best serve this sector of your clientele and maintain compliance with federal law and regulation.

- **Federal law mandates effective communication with individuals who are deaf or hard of hearing.** Title III of the Americans with Disabilities Act (ADA) applies to all private health care providers—doctors, nurses, dentists, psychologists, physical therapists, and all other providers of health-related services—regardless of the size of the office or number of employees. The ADA specifies that it is your legal duty to provide the services necessary to ensure that communication with deaf consumers is as effective as communication with others. This is their right as citizens.
- **Effective communication is essential to your profession.** It goes without saying that health care providers must be able to communicate effectively with patients in order to properly diagnose and provide appropriate care. Your obligation is to ensure that deaf and hard of hearing patients receive the language assistance necessary to afford them meaningful access to your services.
- **Most deaf people require a professional certified interpreter.** You will need to ask your client to specify his or her language needs. Most common is American Sign Language (ASL), which is different in grammar and syntax from spoken or written English. The ADA defines a qualified interpreter as one “who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.” Nationally certified interpreters have been deemed qualified by the Registry of Interpreters for the Deaf (RID).
- **You may not rely on a family member to interpret, on lip-reading, or on written notes.** Friends and family members are not deemed impartial and may imperil patient confidentiality; and they may not have the skills to interpret accurately. Even deaf consumers who can speak clearly may not understand oral communication effectively, because up to 60% of English looks alike when spoken. The most skilled lip readers only understand about 25% of what is said to them; most understand far less. Finally, writing is a time-consuming and cumbersome process that tends to impede “equal access to services.” Also, ASL is the first language of many deaf consumers, not English, and the literacy level of deaf consumers is highly variable. Therefore the exchange of written communication is not considered a viable alternative to a professional interpreter.
- **The “deaf consumer” is not always the patient.** The requirement to provide an interpreter or auxiliary aid extends to a relative or companion who is important to the

patient's wellbeing. If a parent of a deaf child or the deaf spouse of a seriously ill patient is involved in that person's care, you are legally bound to provide effective communication to those individuals as well.

- **The health care provider is required to cover the cost of the communication aid or service as a standard part of doing business—even if an interpreter's fee exceeds the cost of an office visit. You may not pass on this cost to your client.** The ADA makes an exception for cases in which shouldering this cost would cause the provider an "undue burden" that involves a "significant difficulty or expense." Please note that in most cases providers are unable to make the case for financial hardship; but when this occurs, it is your obligation to arrange for an alternate auxiliary aid or service to facilitate communication. You may not refuse to treat the client. You should also know that the deaf consumer has the right to file a grievance with the Department of Justice when a health care provider fails to make the appropriate provisions for his or her care. The DOJ will examine your gross annual income to determine if the cost of an interpreter constitutes a true financial hardship—and they will rarely find in your favor.
- **You may be able to recoup some of the cost, however.** To assist businesses with complying with the ADA, Section 44 of the IRS Code allows a tax credit for small businesses and Section 190 of the IRS Code allows a tax deduction for all businesses. To learn more, call the DOJ ADA Information Line: 800-514-0301. Visit the IRS website at www.IRS.gov or call 800-829-3676 to order Form 8826 (Disabled Access Credit) and/or Publication 535 "Business Expenses" (tax deduction).
- **VisCom can help you with all your interpreting needs for your deaf and hard-of-hearing clients.** All VisCom interpreters are members of the Registry of Interpreters for the Deaf (RID) and adhere to the RID Code of Professional Conduct, which upholds them to a high level of professionalism in matters of interpretation and business practices.

Please visit our website at www.VisComOffice.com or call us at 941-363-1318 for more information or to request interpreting services. The VisCom website also has links to other sites, such as the U.S. Department of Justice (www.ADA.gov) and the U.S. Department of Health & Human Services-Office for Civil Rights (www.HHS.gov).

We thank you in advance for choosing VisCom and look forward to being of service.

Sincerely,

M. Charlene McCarthy, CI, CT.
Owner / Nationally Certified Interpreter