



## **RIGHTS OF DEAF AND HARD OF HEARING PEOPLE IN MEDICAL SETTINGS**

If you are DEAF or HARD OF HEARING, you have a right to clear, “effective” communication with your doctor.

### **What is “Effective” Communication?**

- Communication that is clear enough to you so you get the same level of services that hearing people get.
- You have a right to have clear communication for all “important conversations” you have at the hospital and with your doctor.

### **Examples of “Important Conversations” include:**

- Talking about your medical history.
- Talking about your choices for treatment.
- Individual or group talk therapy.
- What will happen to you during a medical test and what you need to do during the test.
- Information that the doctor wants you to remember or know (like directions about medications, recommendations for what you should do at home after your appointment).

- Evaluations to decide if you need to stay at a mental hospital overnight.
- Deciding if you agree to go ahead with your doctor's services.
- Talking about how your medical services will be paid.

Doctors must ask you for your opinion about what will help make communication clear, but they do not always have to use exactly what you ask them to use for clear communication. If they can find another way to communicate with you that you understand clearly, they can use this other way to communicate with you. If you try the doctor's way and it does not work you should let your doctor know that it is not working, and the doctor must find a way that works for you.

### **Examples of accommodations to make communication more clear:**

- Using hearing and deaf certified or PA State registered sign language interpreters.
- Using Communication Access Realtime Translation (known as "CART" or "realtime captioning") - when a person uses a special machine to type everything that is said on a computer so you can read what others are saying.
- Using assistive listening devices (hearing equipment) that make it easier for you to hear what your doctor is saying. (But they do not have to give you personal hearing aids).
- Using remote video interpreters if an in-person interpreter is not available.

- Meeting with you in a room that is quiet or does not have a lot of background noise, like turning off a TV or music in the room.
- Asking staff to talk to you face to face rather than over an intercom or from another room, or rather than looking at a computer or papers.
- Asking staff to speak slowly and clearly (without shouting). If you have a hard time understanding something, asking staff to say it again in a different way until you can understand.
- Asking staff to tell you all important information before they put on masks that cover their mouth or a lot of their face.

Doctors must provide interpreters or other ways of making communication clear even if the cost of the interpreter or other help is more than what the doctors get paid for your visit. The only time this may not happen is if the doctor works alone or only with a few other doctors, and can show they cannot afford expensive services, like interpreters or CART especially for weekly visits.

If you are enrolled in Medical Assistance (including a HealthChoices managed care plan) and your doctor cannot or will not provide a needed interpreter, the medical assistance program or MA managed care plan should pay for the interpreter. Contact your MA managed care plan or, if you are not in a plan, contact [MA-Interpreter@pa.gov](mailto:MA-Interpreter@pa.gov) (voice: 866-872-8969; TTY: 866-872-8970) two weeks before your appointment (if possible) for assistance.

## **What can you do to make sure you have clear communication with your doctors?**

1. As soon as your appointment is scheduled, speak right away and tell the doctor's staff what you need to help make communication clear with your doctor (like interpreter services or CART). This will give your doctor time to find what you need for the appointment.
2. Ask for exactly what you need and explain why that accommodation will work best for you. Your doctor will be more likely to give you what you need if he or she understands why you need what you say you need.
3. If possible, give contact information for organizations that can send interpreters, captioners or equipment that can help you communicate clearly with your doctor. Be sure to give the name of the organization, telephone number or email address. Sometimes doctors do not provide what you need because they don't know where to get it.
4. The day before your appointment, contact the doctor's office and ask the doctor's staff for the name of the interpreter or captioner, or if they have the equipment that you requested for clear communication with your doctor. Your contact will help remind the staff of your request. If the doctor did not make any plans (to have an interpreter, captioner, etc.) to make sure communication is clear, then you can ask that your appointment be rescheduled to another time as soon as the doctor can make sure he or she will have what is needed for clear communication during your appointment.
5. If there is no accommodation (no interpreter, no captioner) when you go to your appointment, you could postpone and reschedule the appointment to another time and day when the interpreter or captioner can be there. When deciding what to do, it is important to think about

the seriousness of your medical condition and which would be better for you: see the doctor without clear communication to take care of your health problem right away, or wait a little longer before you see the doctor so that you can communicate clearly using an accommodation (interpreter, captioner, etc.). **Doctors cannot require you to use a family member or friend to interpret, but you can if you want to. You have a right to have confidential conversations with your doctors.**

6. If you have to wait, tell the staff to come get you when they are ready for you. Tell them they cannot just call your name because you won't hear them.
7. Make sure you understand everything your doctor gives you in writing. If you do not understand what your doctor gives you, be honest about this and talk about this with your doctor during your visit.
8. During your first appointment, talk with your doctor about how you and your doctor can have clear communication during your appointments. Tell the doctor your opinion about how clear communication was during your first visit. Talk with your doctor about:
  - What will help you and your doctor continue to have clear communication for “important conversations” in the future.
  - Telling office staff what is needed (like interpreters or captioning, or assistive listening device) for all appointments where you will have “important conversations” about your health.
  - How the doctor will contact you between appointments (telephone, relay, email, fax, mail) and how you will be contacting the doctor's office.

- Who the doctor can speak to about your appointments and medical services if the doctor cannot contact you.

9. When you go into the hospital for a test, surgery or for emergency medical treatment, talk with your doctor about the following things **before you take any medicine** for the test or surgery, **before any tests or surgery begin**, or **as soon as possible if you go to the hospital for an emergency**:

- If you use hearing aids, cochlear implants, other assistive listening devices, or eyeglasses or use an interpreter, explain that you need to keep these on or keep the interpreter with you until you are done all discussions with your doctor or staff. Explain that you will need these devices and services back **as soon as you start to wake up** in the first recovery room.
- Ask staff to tell you everything that will happen to you during the entire medical test and everything you need to do during the test before they put on masks that cover their mouth or a lot of their face or give you any medicine to relax or sleep.

In Pennsylvania, a doctor cannot make you use an interpreter who is not certified unless you agree and complete the appropriate form required by the PA Office of Deaf and Hard of Hearing. The interpreter should ask you about this before your appointment begins so you can decide whether to agree to use a non-certified interpreter. You can change your mind about using a non-certified interpreter at any time by filling out a revocation form and giving it to the doctor or the interpreter.

If you believe you have been discriminated against by a doctor or other healthcare provider you may file a Complaint with:

- Department of Health and Human Services, Office of Civil Rights at – <http://www.hhs.gov/ocr/civilrights/complaints/>
- Department of Justice, Civil Rights Division  
950 Pennsylvania Avenue, NW  
Disability Rights Section - NYA  
Washington, DC 20530
- Pennsylvania Human Relations Commission at – [http://www.phrc.state.pa.us/portal/server.pt/community/file\\_a\\_complaint/18976](http://www.phrc.state.pa.us/portal/server.pt/community/file_a_complaint/18976)

## **Contact Information**

If you need more information or need help, please contact the intake unit of Disability Rights Pennsylvania (DRP) at 800-692-7443 (voice) or 877-375-7139 (TDD). The email address is: [intake@disabilityrightspa.org](mailto:intake@disabilityrightspa.org).

The mission of Disability Rights Pennsylvania is to advance, protect, and advocate for the human, civil, and legal rights of Pennsylvanians with disabilities. Due to our limited resources, Disability Rights Pennsylvania cannot provide individual services to every person with advocacy and legal issues. Disability Rights Pennsylvania prioritizes cases that have the potential to result in widespread, systemic changes to benefit persons with disabilities. While we cannot provide assistance to everyone, we do seek to provide every individual with information and referral options.

**IMPORTANT: This publication is for general informational purposes only. This publication is not intended, nor should be construed, to**

**create an attorney-client relationship between Disability Rights Pennsylvania and any person. Nothing in this publication should be considered to be legal advice.**

**PLEASE NOTE: For information in alternative formats or a language other than English, contact Disability Rights Pennsylvania at 800-692-7443, Ext. 400, TDD: 877-375-7139 or [intake@disabilityrightspa.org](mailto:intake@disabilityrightspa.org).**

© JANUARY 2018. DISABILITY RIGHTS PENNSYLVANIA.