

Asking Your Healthcare Provider for a Sign Language Interpreter: Advocacy Tips

The first step is to know your rights! The Americans with Disabilities Act (ADA) says healthcare providers must give you a sign language interpreter if you need one for effective communication.

When would that be? When you and your healthcare provider are discussing something that is complicated and takes time to explain.

For example, if it would take a long time to explain your diagnosis and treatment with written notes, you probably have the right to an interpreter. Also, if you understand better when you sign than when you read, you probably have the right to an interpreter. You have the right to an interpreter to discuss the results of testing or to discuss other important medical information with your doctor.

You **do not** have the right to an interpreter every time you are in a healthcare setting. For example:

- You **do not** have the right to an interpreter when filling out medical history forms.
- You **do not** have the right to an interpreter to schedule an appointment with your healthcare provider.
- You **do not** have the right to an interpreter 24 hours per day while you are in the hospital.
- You **do not** have the right to an interpreter during routine checks of your vital signs and blood pressure.

How to Ask for an Interpreter

1. Call at least one week before the appointment and ask for an interpreter.

When you call, tell your healthcare provider you are a person with deafness or hearing loss, and you need a sign language interpreter during your appointment to effectively communicate.

2. If you are told by _____ that no interpreter will be provided:

a. The receptionist or nurse: Get a second opinion! Politely ask the receptionist or nurse to take your request directly to the doctor or other treating professional. Explain that you are asking for an interpreter under the Americans with Disabilities Act.

b. The doctor or treating professional: Educate! Ask if the doctor or treating professional knows that the Americans with Disabilities Act gives you a legal right to an interpreter. Explain that you can provide a letter explaining your right to an interpreter.

3. Give the healthcare provider the letter that explains your right to an interpreter.
[See letter attached.]

4. Follow up on your letter.

After a few days, call the healthcare provider. Ask if the provider has read the letter, and if she has changed her mind and will give you an interpreter. If she says “no,” ask why not. Ask if she understands the Americans with Disabilities Act. You also may want to say that you are prepared to complain to the U.S. Department of Justice (the agency that enforces the ADA). Ask again if she will reconsider and provide an interpreter.

5. If you are still unable to get an interpreter, ask for help.

a. Call Disability Rights NC (877-235-4210), your local office of Legal Aid of North Carolina, or a private attorney to help you stand up for your right to an interpreter.

b. You also may file a complaint with the U.S. Department of Justice addressed to U.S. Department of Justice, Civil Rights Division, 950 Pennsylvania Avenue NW, Disability Rights Section—NYAV, Washington, DC 20530. If you have questions about how to file a complaint, call the Department’s ADA Information Line at (800) 514–0301.

Disability Rights North Carolina is a 501(c)(3) nonprofit organization headquartered in Raleigh. It is a federally mandated protection and advocacy system with funding from the U.S. Department of Health and Human Services, the U.S. Department of Education, and the Social Security Administration.

Its team of attorneys, advocates, paralegals and support staff provide advocacy and legal services at no charge for people with disabilities across North Carolina to protect them from discrimination on the basis of their disability. All people with disabilities living in North Carolina are eligible to receive assistance from Disability Rights NC.

Contact us for assistance or to request this information in an alternate format.

Disability Rights North Carolina

3724 National Drive, Suite 100

Raleigh, North Carolina 27612

www.disabilityrightsncc.org

919-856-2195

877-235-4210 (toll free)

888-268-5535 (TTY)

LETTER TO DOCTOR, NURSE OR OTHER MEDICAL PROFESSIONAL REQUESTING A SIGN LANGUAGE INTERPRETER

[Date]

Dear Doctor, Nurse, or other Medical Professional:

I am a person with deafness or hearing loss. I ask that a sign language interpreter be present during my upcoming appointment with you so that we may communicate with one another about my health. I make this request pursuant to my right under the Americans with Disabilities Act (ADA) to effective communication in the professional offices of a health care provider, a hospital, or a pharmacy.¹

As the professional offices of a health care provider, a hospital, or a pharmacy, you are an entity covered by the ADA.² As a covered entity, you must take steps to ensure that you do not exclude, deny services to, segregate, or otherwise treat persons with disabilities differently from persons without disabilities. One way to ensure that persons with disabilities enjoy equal access to your facilities is to provide them with auxiliary aids and services.³ If you are concerned that providing the requested auxiliary aid or service would fundamentally alter the nature of your services or would result in significant difficulty or expense, you must provide an alternative auxiliary aid or service that does not result in such alteration or burden.⁴ The auxiliary aid or service must be provided at no cost to the person with the disability.

As a person with deafness or hearing loss, I am considered a person with a disability under the ADA whom you must accommodate in your facilities.⁵ An appropriate auxiliary aid and/or service to ensure that I have equal access to your services is a qualified sign language interpreter.⁶ The U.S. Department of Justice has recognized that most health matters are sufficiently complex and lengthy that persons with communication barriers (such as persons with deafness and hearing loss) will almost certainly need an interpreter for effective communication.⁷ If for some reason you are considering providing an auxiliary aid or service other than the requested interpreter, please remember that you must provide one that ensures *effective* communication.⁸ For many people with hearing impairments, writing or typing notes and/or lip reading is not an effective means of communication. You are always strongly encouraged to consult with me to determine the most effective means of communication for me.⁹

If you have any questions or would like more information about your responsibility to accommodate persons with disabilities in your facility, please contact Disability Rights North Carolina at 877-235-4210 or consult with your attorney. Your professional association also may have information about accommodating clients with disabilities. For example, the American Medical Association has published an article on its website titled

“AMA Regulatory Compliance Topic: Americans with Disabilities Act and Hearing Interpreters.” You may also want to consult with your accountant about the tax benefits available to businesses that provide accommodations under the ADA.

Sincerely,

[Signature]

¹ See 42 U.S.C. § 12181(7)(F); 42 U.S.C. § 12182; 28 C.F.R. § 36.303 (c).

² See 42 U.S.C. § 12181(7)(F); 42 U.S.C. § 12182.

³ See 42 U.S.C. § 12182 (b)(2)(A).

⁴ See 26 C.F.R. § 36.303(a) & (f); 42 U.S.C. § 12182(b)(2)(A)(iii).

⁵ See 42 U.S.C. § 12102 (a disability is a physical or mental impairment substantially limiting one or more of a person’s major life activities, including hearing, speaking, and communicating).

⁶ See 42 U.S.C. § 12182(b)(2)(A)(iii); 42 U.S.C. § 12103 (1)(A); 28 C.F.R. § 36.303. A qualified interpreter is one who “is able to interpret effectively, accurately and impartially both receptively and expressively, using any necessary specialized vocabulary. See 28 C.F.R. § 36.104.

⁷ See 28 C.F.R. § 36, App. B.

⁸ See 28 C.F.R. § 36.303 (c).

⁹ See 28 C.F.R. § 36, Appendix B.