

CREEC's Quick Guide: Sign Language Interpreters in Medical Settings



- The ADA requires communication with Deaf people that is “**as effective as**” communication with others.¹
- Medical providers are required to “give **primary consideration** to the requests”² of Deaf patients in determining whether to provide an interpreter.
- The interpreter must be **qualified**.³
- Interpreters are **required for any complex or substantive communication** including history, symptoms, diagnosis, treatment, surgery, medication, counseling, and billing/insurance.⁴
- The provider **may not ask family or friends** -- especially children -- to interpret, except in emergencies.⁵
- Qualified interpreters may include on-site interpreters or video remote interpreting (VRI).⁶
- When **VRI is NOT OK**:⁷
 - patient has limited movement in head, hands, or arms;
 - patient has vision or cognitive issues or under the influence of drugs or alcohol;
 - patient is in significant pain, including labor;
 - the medical issue is complex;
 - if there are space limitations in the room; or
 - any time it’s clear that VRI is not providing effective communication.

- If VRI is used, **it must meet these standards:**⁸
 - **Sufficient bandwidth** for high quality, real-time, full-motion video and audio that does not have lags, choppy, blurry, or grainy images, or irregular pauses in communication;
 - A **sharply delineated image** that is large enough to display the interpreter's face, arms, hands, and fingers, and the participating individual's face, arms, hands, and fingers, regardless of his or her body position;
 - A **clear, audible transmission of voices**; and
 - **Adequate training** to users of the technology and other involved individuals so that they may quickly and efficiently set up and operate the VRI.

Resources

Tennessee Association for the Deaf: List of Community Centers.	http://www.deaftenn1897.org/community-centers.html
Registry of Interpreters for the Deaf: Directory of Certified Interpreters	https://myaccount.rid.org/Public/Search/Member.aspx
National Association of the Deaf: Minimum Standards for VRI Services in Medical Settings.	www.nad.org/about-us/position-statements/minimum-standards-for-video-remote-interpreting-services-in-medical-settings/
DOJ: Communicating with People Who Are Deaf or Hard of Hearing in Hospital Settings.	www.ada.gov/hospcombr.htm
CREEC's Quick Guide to Sign Language Interpreters in Medical Settings (this document in html and pdf).	www.creeclaw.org/creecs-quick-guide-to-sign-language-interpreters-in-medical-settings/

¹ 28 C.F.R. § 35.160(a)(1) (incorporated by reference in 45 C.F.R. § 92.202(a)). Section 35.160 can be found here: <https://www.gpo.gov/fdsys/pkg/CFR-2017-title28-vol1/pdf/CFR-2017-title28-vol1-sec35-160.pdf>.

² 28 C.F.R. § 35.160(b)(2) (incorporated by reference in 45 C.F.R. § 92.202(a)).

³ 28 C.F.R. § 35.104; 28 C.F.R. § 36.303(b).

⁴ See, e.g., Settlement Agreement Between the United States of America and Highline Medical Center, https://www.ada.gov/highline_med_ctr_sa.html.

⁵ 28 C.F.R. § 35.160(c) (incorporated by reference in 45 C.F.R. § 92.202(a)).

⁶ 28 C.F.R. § 35.104; 28 C.F.R. § 36.303(b).

⁷ See, e.g., Highline Medical Center Settlement, https://www.ada.gov/highline_med_ctr_sa.html.

⁸ 28 C.F.R. § 35.160(d) (incorporated by reference in 45 C.F.R. § 92.202(a)).