

# Ensuring Open and Effective Communication In Hospitals

## For Persons Who are Deaf or Hard of Hearing

### FACT SHEET

The New Jersey Hospital Association, a representative organization comprised of over one hundred member hospitals, is working with the New Jersey Attorney General, including the New Jersey Division on Civil Rights, to ensure that hospitals as places of public accommodation are fully accessible to everyone, including people who are deaf or hard of hearing. This fact sheet is intended to assist hospitals and patients in understanding the New Jersey Law Against Discrimination (LAD) as it applies to accommodating the needs of individuals who are deaf or hard of hearing.



#### *1. What will hospitals do to facilitate open and effective communication with persons who are deaf or hard of hearing?*

Hospitals will provide persons who are deaf or hard of hearing reasonable accommodations to assist them in communicating with hospital staff. While the law does not require all accommodations that a patient might request, hospitals must provide accommodations that are *reasonable* under the individual circumstances of the communication. For instance, brief and relatively simple communications, such as inquiring about meal times or purchasing an item in the gift shop, may generally be accomplished through written notes or pointing to items. For more complicated, interactive communications, such as discussing symptoms, diagnosis and treatment options, other forms of communication, such as interpreters, may be required.

#### *2. What are examples of some reasonable accommodations that might be provided?*

When appropriate for effective communication, reasonable accommodations may include auxiliary aids and services such as qualified sign language interpreters, remote video interpreting services, assistive listening devices, amplified phones, TTYs/TDDs or other devices and services, such as computer assisted real-time transcription (CART) for large group community meetings. Because there is a shortage of qualified sign language interpreters in the State of New Jersey, such services may not always be available. It is important to keep in mind that reasonable accommodations for persons who are deaf may be different than those for persons who are hard of hearing.

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### **3. How will a hospital determine what type of accommodation to offer to a person who is deaf or hard of hearing?**

Bearing in mind the health care needs of the individual, as early as possible before or during a hospital visit (such as at the time of scheduling an appointment, registration, and/or admission) the hospital staff will assess the individual's needs, with appropriate input from the person who is deaf or hard of hearing, and will determine which reasonable accommodation will be provided.

### **4. Can a hospital charge for the accommodations it provides?**

No. Reasonable accommodations are to be provided free of charge to the patient. At the time the accommodation is offered to the person who is deaf or hard of hearing, the hospital will inform the person that there is no charge for the service.

### **5. Who may receive these reasonable accommodations from a hospital?**

Hospitals will provide reasonable accommodations, such as those described above, to patients who are deaf or hard of hearing, and to third parties who are deaf or hard of hearing who accompany patients and who have the legal right to have access to healthcare information or authority to make healthcare decisions. In addition,

*DISCLAIMER: This fact sheet is intended to provide general guidance regarding reasonable accommodation under the LAD. While it attempts to be as accurate as possible, it should not be relied upon as comprehensive or error-free (particularly given the changing nature of laws, rules and regulations), and should not be used as a substitute for consultation with a legal advisor for specific circumstances. If you have specific questions, you may wish to contact the Division on Civil Rights or a legal advisor.*

if a hospital offers educational or other programs to the public, it will also offer appropriate auxiliary aids and services to persons who are deaf or hard of hearing in attendance.

### **6. How will hospitals inform their staffs about the provision of reasonable accommodations to persons who are deaf or hard of hearing?**

Hospitals will train appropriate staff on the differences in communication needs between persons who are deaf and those who are hard of hearing, and on the provision of assistive technology and interpreter services for persons who are deaf or hard of hearing. Such training will instruct staff how to assess the needs of each individual and determine the most effective form of communication assistance required by the circumstances. Hospitals will also ensure that appropriate personnel know how to access available interpreter services and assistive technology when needed.

### **7. How will the hospitals help people who are deaf or hard of hearing know that they can request reasonable accommodations?**

Hospitals will post signs at appropriate places throughout their facilities where people generally go for information, including admission, registration and emergency care areas, informing persons who are deaf or hard of hearing that the hospital provides reasonable accommodations to individuals who are deaf or hard of hearing. In addition, at the time of assessing the reasonable accommodation needs of an individual who is deaf or hard of hearing, hospitals will provide him or her with written materials describing the types of services available and indicating that the services are provided free of charge. Such information will also be included in any general information packets that are provided to patients. In addition, this fact sheet will be posted on the Web sites of the NJHA, the NJ Division of Deaf and Hard of Hearing, and the NJ Division on Civil Rights. Copies of this fact sheet may also be available in hospitals and on their Web sites.

### **8. What recourse is there for a person who believes that s/he has been denied a reasonable accommodation by a hospital?**

Persons who believe that they have been denied a reasonable accommodation may first wish to try to resolve the problem informally through the hospital's complaint procedure. If that is not successful, such persons may contact the New Jersey Division on Civil Rights in the Attorney General's Office to inquire about filing a complaint under the New Jersey Law Against Discrimination (LAD) by calling (973) 648-2700 or TTY (973) 643-2351, or by viewing [www.NJCivilRights.org](http://www.NJCivilRights.org). However, persons who believe they have been denied a reasonable accommodation under the LAD must file a complaint with the Division on Civil Rights within 180 days of the denial of the reasonable accommodation, or, alternatively, file a complaint directly in New Jersey State Superior Court within 2 years.

#### **State of New Jersey**

Jon S. Corzine, *Governor*

#### **Office of The Attorney General**

Anne Milgram, *Attorney General*

#### **Division on Civil Rights**

J. Frank Vespa-Papaleo, *Director*

#### **Department of Human Services**

Jennifer Velez, *Commissioner*

#### **Division of Deaf and Hard of Hearing**

David C. Alexander, Ph.D., *Director*

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# **CIVIL RIGHTS**

## **DHS** NJ Department of Human Services

