

# LEGAL EAGLE EYE NEWSLETTER

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## No ASL Interpreter: Deaf Patient's, Family Member's Rights Were Violated, Court Says.

The deaf patient and his wife, who communicate primarily through American Sign Language (ASL), came to the E.R. because he was having chest pains and shortness of breath.

They passed a note to the front desk clerk requesting an ASL interpreter. No interpreter was provided, so they had to try to communicate with the E.R. physicians and nurses by writing and passing notes back and forth.

The cardiologist decided he needed cardiac catheterization. The patient gave the cardiologist a card with the name of a certified ASL interpreter the patient had used in the past, but nothing was done to accommodate the patient.

The patient signed a consent form which stated that the patient ostensibly had discussed the procedure with his physician and the physician had answered all his questions.

The patient later testified he did not understand his diagnosis or the nurses' instructions preparing him for the procedure he was about to undergo.

After the procedure the medical and nursing staff simply worked on him without any attempts to communicate. That went on almost twenty-one hours until an ASL interpreter finally came in, but only for a brief conference with the cardiologist in which the stent placement was explained.



***The deaf patient testified that after his cardiac catheterization procedure the nurses would come into his hospital room and push on his groin and his leg where the sheath for the catheter had been inserted.***

***The patient testified the nurses did not communicate with him, they just came in and did stuff to him.***

UNITED STATES DISTRICT COURT  
WASHINGTON  
March 19, 2013

A friend of the patient who could sign who happened to be at the hospital helped with the discharge instructions.

### **Americans With Disabilities Act**

Disabled hospital patients and family members have rights under the US Americans With Disabilities Act.

A hospital, being a place of public accommodation, is required by law to furnish appropriate auxiliary aids and services where necessary to ensure effective communication with individuals with disabilities.

US Department of Justice regulations expressly extend the obligation to provide aids to effective communication to patients' companions who are individuals with disabilities.

According to the US District Court for the Western District of Washington, the patient and his wife at critical points were unable to understand the medical instructions given them and were unable to participate in a meaningful dialogue with their health care providers.

The hospital violated their right to full and equal treatment because of their hearing disability. Written notes could be considered an auxiliary aid but did not result in effective communication with these individuals who are accustomed to the linguistic syntax of ASL. ***Gough v. Peacehealth*, 2013 WL 1148748 (D. Wash., March 19, 2013).**

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