

Sign-Language Interpreters: Court Reviews Hospital Patients' Legal Rights Under Americans With Disabilities Act, Rehabilitation Act.

The issue was whether certain hearing-impaired patients could sue a particular hospital for a court order requiring the hospital to step up its efforts to provide sign-language interpretation services.

The US District Court for the District of Maryland ruled that the patients who could show they had received inadequate care in the past due to inadequate sign-language services at the hospital, *and who would likely continue to receive inadequate care at the same hospital due to the absence of such services*, had legal standing to ask for a court injunction requiring the hospital to raise the level of its services.

Other patients, who had received sub-standard care in the past, but who lived out of state and would not likely ever be going back to the particular hospital, had no right to participate in the lawsuit.

The patients' complaint was that a camera/monitor video conferencing setup for interpreter services provided such poor visual quality that it was virtually useless and the monitor could not be seen by a patient lying on his or her back.

The Americans With Disabilities Act and the Rehabilitation Act prohibit hospitals from discriminating against disabled persons.

That means that hospitals must provide patients with appropriate auxiliary aids necessary to ensure effective communication.

Federal statutes allow a disabled person to sue for a court injunction requiring a hospital to provide effective sign-language interpretation, if it is likely the disabled person's right to effective communication will be impaired in the future by the lack of such services at that particular hospital.

The patients now living out of state may have had grounds to be dissatisfied with their past care, but that is not likely to continue at this hospital so they cannot participate in this suit.

UNITED STATES DISTRICT COURT
MARYLAND
May 16, 2005

The court expressed a willingness to consider whether the hospital was fulfilling its legal duties not to discriminate against the disabled and not to deny the disabled the opportunity to communicate effectively and to participate meaningfully in their care as required by the US Rehabilitation Act.

There is no hard and fast rule what is right under all circumstances. The court did not specifically rule the video/monitor conferencing system was inadequate. Gillespie v. Dimensions Health Corp., ___ F. Supp. 2d ___, 2005 WL 1147830 (D.Md., May 16, 2005).

Editor's Note: The patients in this case were suing only for a court injunction to force the hospital to upgrade its sign-language capability.

None of the patients who filed the lawsuit claimed to have suffered personal injury as a result of inadequate communication with their healthcare providers.

However, the US Rehabilitation Act does allow a patient to sue any healthcare facility for damages, much like medical malpractice, if the facility receives Federal funding and the patient's care has been compromised by a failure to provide appropriate auxiliary aids to permit effective communication and meaningful participation in the patient's own care.

See *No Interpreted For Deaf Patient: Court Lets Suit Go Forward*. Legal Eagle Eye Newsletter for the Nursing Profession (9)6, Jun. '01 p. 2.

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