

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 and **RID-certified**.⁴
- Interpreters are **required for any complex or substantive communication** including history, symptoms, diagnosis, treatment, surgery, medication, counseling, and billing/insurance.⁵
- The provider **may not ask family or friends** -- especially children -- to interpret, except in emergencies.⁶
- Qualified interpreters may include on-site interpreters or video remote interpreting (VRI).⁷
- When **VRI is NOT OK**:⁸
 - 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:**⁹
 - **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

Resource page of the Colorado Commission for the Deaf, Hard of Hearing, and DeafBlind	http://ccdhh.com/index.php/directory/ (click on "Interpreting Agencies")
NAD: 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 Colorado Revised Statutes § 6-1-707(e).

⁵ See, e.g., Settlement Agreement Between the United States of America and Highline Medical Center, https://www.ada.gov/highline_med_ctr_sa.html.

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

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

⁸ See, e.g., Highline Medical Center Settlement, https://www.ada.gov/highline_med_ctr_sa.html.

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