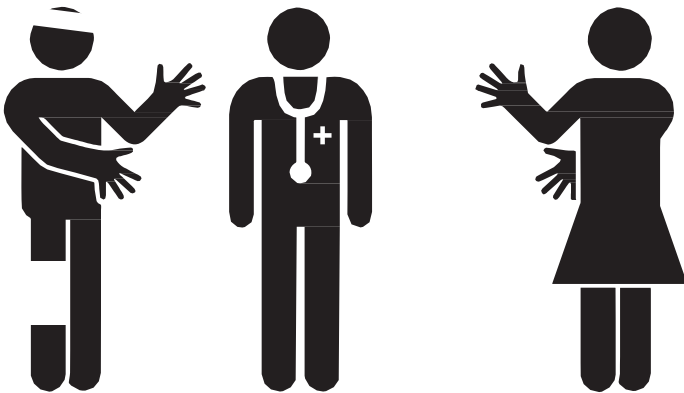




**Hawai'i Civil Rights Commission
Disability and Communication Access Board**



**ACCESS TO HEALTHCARE:
YOUR RIGHT TO A
SIGN LANGUAGE INTERPRETER**

WHAT ARE MY RIGHTS AS A DEAF, HARD OF HEARING OR DEAF BLIND PATIENT?

State of Hawaii and federal law state that discrimination on the basis of disability is prohibited in a public accommodation, including health care facilities and services. Health care providers are required to provide patients who are deaf, hard of hearing, and deaf blind with auxiliary aids and services which includes qualified sign language interpreters for effective communication. When you need a sign language interpreter, please ask the health care provider. The health care provider should engage in good faith and is encouraged, but not obliged, to consider your preferences. Your advice about preferred sign language interpreters will help the health care provider to comply with the state and federal law. Be cooperative in the interactive process. You do not have to pay for interpreting services or find an available sign language interpreter. The health care provider must make arrangements and provide a qualified sign language interpreter. You may find concrete examples in ASL on how to request an interpreter to your health care provider on the DCAB website: <http://dcabasl.com/> (“videos”).

WHICH HEALTH CARE PROVIDERS ARE REQUIRED TO PROVIDE EFFECTIVE COMMUNICATION?

All health care providers are required to provide an auxiliary aid or service under state and federal laws. This applies to, among others, programs and services, Medicaid or Medicare providers, physicians in private practice, clinics, hospitals, and other health care providers such as dentists, podiatrists, and psychologists or counselors, regardless of the size of the practice.

EXAMPLES OF DISCRIMINATION

- The health care provider refuses to pay sign language interpreting fees and asks you to bring your own interpreter
- The health care provider refuses to hire a qualified sign language interpreter and uses other modes of communication such as writing notes, but you cannot communicate effectively or understand him/her
- The health care provider provides an unqualified sign language interpreter
- The health care provider requests that your family member or friend interpret for you. However, this may not apply in an emergency involving imminent threat to your safety such as a tsunami is coming towards the building, and there's no available sign language interpreter

EXCEPTIONS

The health care provider is not required to follow your preferences for a sign language interpreter. S/he can provide an alternative accessible solution if it ensures effective communication. The health care provider can decide to use other forms of communication in limited situations such as setting an appointment with the staff, or routine physical consultations, if effective communication is possible through, for example, written communication or a system where both parties effectively exchange communication. It is important that you can understand and communicate with the health care provider; otherwise the alternative solution constitutes a violation of your rights. In some instances, a health care provider may refuse to provide qualified sign language interpreters when there is an undue burden due to the costs of sign language services. However, this is very difficult to establish and is determined by a variety of factors. It is important to note that it has no direct relation with the number of physicians and staff employees in its office.

I THINK I HAVE BEEN DISCRIMINATED, WHAT CAN I DO?

If you believe that you were discriminated against, you can file a complaint, at no cost, with the Hawai'i Civil Rights Commission (HCRC). You must file within 180 days or 6 months after the discrimination happened. Call HCRC immediately at (808) 586-8692 v/tty For your meeting with HCRC, you should:

- Present specific dates and facts about the alleged discrimination;
- Identify documents and witnesses, if any, that substantiate charges in the complaint; and continue to give HCRC your updated personal information such as a current mailing address, phone number and email address.

After you submit the information, the HCRC will determine if you can file a complaint within the 180 days or 6 months period after the discrimination happened. You can find more information on the complaint process and your role in it on the HCRC website.

CONTACT INFORMATION:

For more information about the state and federal laws or need additional information, please contact:



HAWAII CIVIL RIGHTS COMMISSION

830 Punchbowl Street, Room 411
Honolulu, HI 96813

Telephone: (808)586-8636

Fax: (808) 586-8655

TTY: (808) 586-8692

Email address: DLIR.HCRC.INFOR@hawaii.gov

Website: <http://labor.hawaii.gov/hcrc>



DISABILITY AND COMMUNICATION ACCESS BOARD *(information only)*

919 Ala Moana Blvd., Room 101
Honolulu, HI 96814

Telephone: (808) 586-8121 (Voice/TTY)

Fax: (808) 586-8129

Email address: dcab@doh.hawaii.gov

Website: <http://health.hawaii.gov/dcab/>

This fact sheet is a general summary of the state and federal laws and does not have the force or effect of administrative rules or Hawai'i laws. If there are any inconsistencies, the rules and Hawai'i law will control.

5/5/2014
