

I will need a *qualified sign language interpreter* for my upcoming appointment.

All interpreters in WV must be registered with the WV Commission for the Deaf and Hard of Hearing. Please check the interpreter's registry status before hiring.

Name: _____

Doctor: _____

Appointment Date/Time: _____

Title III of the Americans with Disabilities Act (ADA) prohibits discrimination on the basis of disability in places of public accommodation, including private and public health care providers.

Please read this brochure to learn more about this law and how to find an interpreter for my appointment. Thank you.



WHAT IS REQUIRED?



Under the ADA, health care providers must provide *effective communication* for individuals with disabilities, including companions or family members of patients when that individual is an appropriate person with whom the provider should communicate (examples: spouse, parent, adult child, etc.).

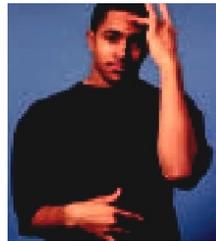
While this can be accomplished through written notes or gestures in some situations, a sign language interpreter is necessary in others.

Each situation must be assessed on a case-by-case basis, depending on both the needs of the individual and the length and complexity of the communication.



EXAMPLE

John is deaf and uses sign language to communicate.



He goes to the doctor for his bi-weekly check-up, during which the doctor records his blood pressure and weight. Exchanging notes and gestures are likely to provide an effective means of communication for this type of appointment.

However, if John experiences new symptoms and needs a thorough examination and tests, an interpreter may be necessary given the complexity of the situation.



WHO IS A QUALIFIED INTERPRETER?



A qualified interpreter is one *“who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary.”*

Individuals who are deaf communicate in a variety of ways. For example, some individuals use American Sign Language (ASL), while others use Signed Exact English (SEE). Some individuals prefer oral interpreters, and others need tactile interpreters. A qualified interpreter for one individual might not be qualified for another.

It is important to consult the individual who is deaf to determine the type of interpreter necessary for effective communication.

Family members and friends should not be used, as they are not impartial. Another staff member who knows a little sign language almost definitely is not a “qualified” interpreter.

ADA Technical Assistance Manual III.4.3200

COMPANIONS AS INTERPRETERS

- You may not require an individual to bring someone to interpret for him or her.
- You may not rely on a minor child to interpret.
- You may not rely on an adult accompanying a deaf individual to interpret except:
 - * In a life threatening emergency situation where no interpreter is available; or
 - * Where the individual specifically requests that the accompanying adult interpret, the accompanying adult agrees to provide such assistance, and reliance on that adult for such assistance is appropriate under the circumstances.

INTERPRETER RATES



Interpreters set their own rates and payment policies. The following is simply a guideline.

Interpreters typically charge by the hour and require a minimum of two hours' pay for shorter jobs. Generally interpreters will bill for time if not canceled with at least twenty-four hours notice.

It is important to hire the most **qualified** interpreter for the job, and not the one with the lowest rate.

PAYING FOR AN INTERPRETER

SURCHARGES

Although providing an interpreter does cost money, **surcharges cannot be imposed** on the individual who needs the interpreter. *Reg. 36.301*



TAX CREDITS

Tax credits are available for small businesses to encourage compliance.

Businesses with 30 or fewer employees OR with \$1 million or less in gross receipts for the preceding tax year can redeem tax credits for providing any type of auxiliary aids, including sign language interpreters.

UNDUE BURDEN

A health care provider is expected to treat the costs of providing auxiliary aids and services as part of the annual overhead costs of operating a business. The ADA does not require the provision of any auxiliary aid or service that would result in an undue burden ("significant difficulty or expense") or in a fundamental alteration in the nature of the goods or services provided. *28 C.F.R. S 36.303 (a)*. However, the health care provider still has the duty to furnish an alternative auxiliary aid or service that would not result in a fundamental alteration or undue burden. *28 C.F.R. S36.303*.

HOW DO YOU FIND AN INTERPRETER?

The West Virginia Commission for the Deaf and Hard of Hearing can assist you in the process of finding a qualified interpreter.

An updated list of interpreters is located online:
www.dhhr.wv.gov/cdhh.

You may also call: **304-558-1675**.



The Registry of Interpreters for the Deaf (RID) also has a list of interpreters on their website: rid.org. Click on "Find an Interpreter."



- * **Start looking for an interpreter as soon as the need arises. It can be challenging to find a qualified interpreter on short notice.**
- * **Since many interpreters have daytime jobs (many work in the public school system), scheduling the patient's appointment later in the afternoon may help with securing an interpreter.**

RESOURCES

- **National Association of the Deaf Healthcare Providers Q & A**
www.nad.org/issues/health-care/providers/questions-and-answers
- **Mid-Atlantic ADA Center**
800-949-4232 (V/TTY)
www.adainfo.org
- **Registry of Interpreters for the Deaf (RID)**
www.rid.org
- **WV Commission for the Deaf and Hard of Hearing (WVCDHH)**
304-558-1675 (V/TTY)
304-400-6959 (Video Phone)
www.dhhr.wv.gov/cdhh
405 Capitol Street
Suite 800
Charleston, WV 25301
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WVCDHH is an office within the West Virginia Department of Health and Human Resources.