

Lack of Qualified Sign Language Interpreter Results in Settlement

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In [Legal Interpreting](#)

The US Department of Health and Human Services' Office for Civil Rights recently entered into a settlement agreement with Advanced Dialysis Center (ADC) in Randallstown, Maryland, after a deaf patient was denied adequate access to a sign language interpreter. According to a press release, the medical facility was required under the Rehabilitation Act and the Americans with Disabilities Act (ADA) to ensure that individuals who are deaf and hard of hearing have equal access to programs and activities.

The Original Complaint

ADC provides dialysis services to residents of the Genesis HealthCare Randallstown Center. Albert Bertolini was admitted to ADC in 2009 because he required dialysis treatment. Bertolini had been diagnosed with chronic kidney disease, hypertension, anemia and multiple other health conditions. He was also unable to effectively communicate with the staff at ADC because he was born deaf and had low vision in one eye. Before he was transferred to ADC, Bertolini communicated with nurses at Johns Hopkins Hospital through sign language interpreters.

When Bertolini arrived at ADC, he provided the facility with a note from his physician that was made part of his medical records, recommending that he be appointed a sign language interpreter. Although ADC was aware of Bertolini's hearing impairment, it failed to provide him with a qualified sign language interpreter during his treatment. The facility claimed that nurses were able to communicate with Bertolini by writing notes that Bertolini read using a magnifying glass. The government's investigation revealed that even these written exchanges were infrequent.

Legal Authority

The Rehabilitation Act of 1973 provides that a qualified person with a disability cannot be subjected to discrimination under any program that receives federal funding. Discrimination includes the denial of the opportunity to participate in or benefit from services provided by the facility.

The ADC facility is obligated to comply with these non-discrimination requirements since it receives Medicaid. Part of ADC's responsibility in caring for Bertolini included providing him with a sign language interpreter so that he could effectively communicate with his treatment providers. The Department of Health and Human Services gave the facility 30 days to negotiate a settlement agreement with Bertolini's family and to come into compliance with the law, or else face termination of federal financial assistance.

Settlement

As part of the settlement, the ADC facility is required to designate an employee to be responsible for coordinating compliance with the law and to establish grievance procedures for addressing complaints of disability discrimination. The facility must also provide notice to all deaf and hard-of-hearing patients that they have a right to receive sign language interpreters free of charge. When an interpreter is required, the

facility must request a qualified interpreter from a list of agencies with whom the facility has an ongoing contractual relationship.

This story illustrates the importance of [interpretation in medical settings](#). A patient without the ability to communicate is effectively barred from participating in making important treatment decisions. Although Bertolini passed away before the settlement was reached, his struggle marks an important moment for other hearing-impaired individuals in the ADC facility, who are now more likely to receive sign language interpreters so that they may communicate effectively.