

Deaf patients sue Jacksonville hospital over lack of interpreters

Seven hearing-impaired patients say Baptist Health violated the Americans with Disabilities Act.

<http://jacksonville.com/news/health-and-fitness/2010-06-10/story/deaf-patients-sue-jacksonville-hospital-over-sign-language>

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By [Paul Pinkham](#)

One deaf hospital patient in Jacksonville Beach said she was given a stuffed monkey instead of the sign-language interpreter she requested for hours. Feeling isolated, she finally asked nurses for something to hold.

Another said she thought she was being denied medical care because there was no interpreter to explain why they needed her to wait in a hallway at Baptist Medical Center South. She later learned hospital staff lost a list of sign-language interpreters her mother had given them.

A third woman couldn't hear when emergency workers at Baptist Medical Center downtown called her name.

The three women are among seven hearing-impaired emergency-room patients suing Baptist Health Systems for violating the Americans With Disabilities Act by failing to provide qualified sign-language interpreters. The lawsuit was filed in federal court last week by Jacksonville Area Legal Aid.

Baptist spokeswoman Cindy Hamilton said the hospital hadn't been served with a copy of the lawsuit so she couldn't comment on it directly. But she said Baptist is committed to effective communication between staff and patients and their families, lists communication resources on its

website and provides several means, including interpreters and devices, to facilitate communication.

She said the hospital hosted a community forum in 2008 to discuss the issue with hearing-impaired patients and visitors and is holding a series this summer about those patients' communication needs.

"It is the policy of Baptist Health to comply with all applicable laws and regulations relating to services to ... those who are deaf or hearing impaired or require the use of auxiliary aids," Hamilton said.

But Legal Aid attorney Sharon Caserta, who works with hearing-impaired clients, said the pattern of complaints at Baptist facilities from 2006 to 2009 indicated a breakdown in services that denied deaf patients full access to care.

She said the act requires interpreters or effective auxiliary aids to be provided if needed for communication with medical professionals. The U.S. Justice Department has interpreted the law to mean a one- to two-hour response time is reasonable after an interpreter has been requested, Caserta said.

In Northeast Florida, she said, that shouldn't be an issue because of a half-dozen organizations that provide interpretive services and the proximity of the Florida School for the Deaf and the Blind in St. Augustine. But Caserta said her clients never got interpreters and, if they didn't have friends or family with them, had to fend for themselves at Baptist facilities.

Many are now scared to return to Baptist or any emergency room, she said.

The lawsuit doesn't seek money damages beyond attorney fees and filing costs. Instead it asks a federal judge to declare Baptist in violation of the law, order the hospital to stop discriminating against the hearing-impaired clients and to require it to create and follow procedures to provide sign-language interpreters or effective aids.

Caserta said an UbiDuo communication device used at Baptist that allows patients and staff to communicate with keyboards and monitors isn't helpful if the patient struggles to read, write or type, as several of her clients do.

“Access to hospitals and medical providers in this area has been a problem for a long time,” Caserta said. “... Effective communication ensures impartial access to care and fosters an uninhibited discussion between medical staff and the patient.”

Other Northeast Florida hospitals contacted by The Times-Union said they provide some sort of interpretive services for hearing-impaired patients. At Memorial Hospital Jacksonville, for instance, spokesman Adam Landau said the facility has a 24-hour agreement with the Independent Living Resource Center of Northeast Florida to provide interpreters who stay with their patients as long as they are hospitalized.

Shands Jacksonville spokesman Dan Leveton said interpreters can be requested through patient services but sometimes may not be immediately available.

Caserta said of the local hospitals, only the Mayo Clinic has a consistent reputation for providing for the needs of hearing-impaired patients. One goal of the Baptist litigation, she said, is that it will educate surrounding hospitals about the need.

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