

Hearing-Impaired Patient: Court Discusses Adequacy Of Interpretive Services Offered.

The deaf patient checked himself out of the hospital the day after he was admitted through the emergency department for severe abdominal pain, checked into another hospital which had certified in-house sign-language interpreters and had his surgery there.

In his lawsuit he was unable to show any actual harm done to him by the first hospital. He claimed he felt ignored, frustrated and unsafe; the staff claimed he was rude, abusive, belligerent, challenging and uncooperative.

The US District Court for the Western District of Washington made the following points:

Exchanging handwritten notes with a deaf patient is an ineffective means of communication in a medical emergency.

Federal regulations for the Americans With Disabilities Act require hospitals to take steps to ensure that communication with members of the public with disabilities are as effective as communication with others who do not have disabilities.

In critical situations exchanging notes does not allow a disabled person to communicate effectively.

UNITED STATES DISTRICT COURT
WASHINGTON
May 25, 2006

When a number of caregivers are attending the patient at the same time, e.g., a doctor and three nurses, using notes rather than an interpreter is an ineffective means of communication.

Informed consent to a life-saving medical intervention such as an open abdominal procedure for an abscess cannot be obtained effectively through exchanging notes with the patient.

The healthcare facility has the legal burden of proof to show that a qualified interpreter was offered to the patient, that is, providing only a nurse who can sign the alphabet as opposed to a certified ASL interpreter may put the facility on thin ice later in court if the patient sues for disability discrimination. **Abernathy v. Valley Medical Center, 2006 WL 1515600 (W.D. Wash., May 25, 2006).**