

Sign-Language Interpreters: Court Wrestles With Patient's Disability-Discrimination Suit.

Federal regulations say that in determining what is necessary the facility should give primary consideration to the requests of the disabled individual.

The courts have not made it crystal clear whether a certified sign-language interpreter is always necessary, as opposed to a staff member who has some familiarity with signing.

The Americans With Disabilities Act requires medical facilities to accommodate a hearing-impaired patient's disability.

A hearing-impaired patient is entitled to be able to communicate with caregivers as effectively as a non-disabled person can.

The facility must provide necessary auxiliary aids and services to promote communication with hearing-impaired patients.

UNITED STATES DISTRICT COURT
WASHINGTON
December 18, 2006

The patient came to the emergency room with abdominal pain that would eventually be linked to post-surgical complications from an appendectomy done at another hospital a few weeks earlier.

It took a couple of hours to get a certified sign-language interpreter to come to the emergency room, but once the interpreter arrived the patient was assessed, examined and admitted with no problem.

The next day, however, the medical and nursing staff tried to go ahead with the pre-surgery consult using handwritten notes and a makeshift set-up with TTY-equipped phones, then located a staff member with some ability at signing.

All the while the patient insisted, through a hearing friend, that they get a certified interpreter. The hospital finally called an agency for a certified interpreter.

The patient nevertheless checked himself out AMA while the certified interpreter was still en route. He went back to the hospital where he had had his appendectomy, where the first hospital was able to re-direct the interpreter they had called, admitted himself and had surgery the next day with no further medical complications.

The US District Court for the Western District of Washington ruled the patient could collect damages for pain and suffering for the time frame while the surgery consult went ahead with hospital personnel refusing to provide the accommodation the patient demanded, but only until he checked himself out AMA. [Abernathy v. Valley Medical Center, 2006 WL 3754792 \(W.D. Wash., December 18, 2006\).](#)