

Sign-Language Interpreters: Court Reviews Hospital Patients' Legal Rights Under Americans With Disabilities Act, Rehabilitation Act.

Four profoundly deaf patients sued the same hospital over the issue of sign-language interpreter services.

The US District Court for the Middle District of Florida carefully defined hospital patients' rights on this issue.

Court Order

Re Hospital's Future Practices

One legal avenue pursued by the patients was to ask the court for an injunction requiring the hospital to change its practices in the future regarding accommodation of deaf patients' interpretive communications needs.

The court pointed out the law makes that a tough row to hoe. As the law phrases it, to obtain a court injunction against a hospital's practices the patient must prove a "real and immediate threat of future injury" due to the hospital's practices, as opposed to a "merely conjectural or hypothetical" threat of future injury.

Since none of the patients could prove with certainty they would come to this emergency room again and suffer harm from inability to communicate, the court refused their request for an injunction.

The hospital refused to allow the deaf patient a sign-language interpreter. She could not understand what was going on during her pelvic exam in the E.R.

The patient's lawsuit alleges she was unable to communicate with hospital employees, did not understand the treatment to which she was asked to consent, did not understand what treatment was being provided or what procedures were being performed, could not ask questions or voice concerns and her care was made more difficult and painful by her inability to communicate with her caregivers.

The patient has the right to sue the hospital for damages under the Americans With Disabilities Act and the Rehabilitation Act.

UNITED STATES DISTRICT COURT
FLORIDA
June 23, 2005

Compensation For Injury

Mental Anguish / Emotional Distress

Communication-impaired hospital patients can sue after the fact for compensation if they are able to show that a healthcare facility's refusal to provide communication services complicated the delivery of care and resulted in physical injury, pain and suffering and/or mental anguish and emotional distress.

In this case the hospital's E.R. front desk personnel, apparently in a derogatory manner, refused the deaf patient's hearing-able husband's verbal request to phone and summon a certain interpreter whom the patient had worked with previously in healthcare settings, before the patient went in to see a physician and nurse about her problem with vaginal bleeding.

As a result, the patient's pelvic exam was complicated by her inability to communicate to her caregivers and, particularly, by her inability to understand what the doctor and nurse were saying to one another as the exam went forward.

Writing notes back and forth between patient and caregivers, in the court's judgment, is not a sufficient basis for effective communication in this context.

Another patient had arrived with a sprained big toe, requested an interpreter, was denied an interpreter and was not able to understand what was going on with the treatment she was being given as it went forward. She also has the right to sue for compensation, the court ruled. Connors v. West Orange Healthcare Dist., 2005 WL 1500899 (M.D.Fla., June 23, 2005).