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| Pete RickettsGovernor**Candice Arteaga,***Chairperson*Commission MembersFrances Beaurivage LincolnJonathan Scherling OmahaPeggy Williams        LincolnVali Hitz RaymondRobert Feit Lincoln Sandra Shaw SewardDiane Schutt FairburyJohn C. Wyvill *Executive Director* | **Settlement Agreement Outlines Requirements for Communication Access in Medical Settings** A recent settlement agreement under the Americans with Disabilities Act (ADA) was reached between the United States Department of Justice (DOJ) and a health system located in Georgia.  A complainant, who is deaf, alleged that the health system discriminated against her and her companion, who is also deaf, based on their disability in violation of Title III of the ADA.  They alleged that the health system failed to provide an interpreter or any other Auxiliary Aid or Service for them and instead were forced to rely on lip reading or the deaf companion to interpret for her. The DOJ determined that the health system failed to provide effective communication to the complainant and her companion during the hospital stay. As a result of the health system’s failure to provide an interpreter or other Auxiliary Aids and Services, the complainant did not understand medical procedures that were taken and there were misunderstandings about medications given.  As a result, several remedial actions were mandated by the DOJ to include providing patients and companions the full and equal enjoyment of services, privileges, facilities, advantages, and accommodations as required by the ADA; provision of appropriate Auxiliary Aids and Services, including Qualified Interpreters as soon as practicable, to ensure effective communication, using either on-site or VRI whichever is determined to be appropriate, and; submission of a revised Effective Communication Policy.  Several other remedial actions were also mandated and can be found [here](https://www.ada.gov/advent_sa.pdf).Advocacy in a medical setting is a large part of education work at NCDHH. The settlement agreement has been provided to the Nebraska Medical Association and Nebraska Medicine, with a call for immediate action. “Unfortunately, lack of effective communication access in medical settings happens every single day for the deaf and hard of hearing community in Nebraska,” John Wyvill, NCDHH Executive Director, said. “The recent settlement agreement provides a road map for the minimum expectations of hospitals and medical providers to meet the standard of care in the delivery of their services.  The failure to provide effective communication access is not just “an ADA issue,” it is a failure to provide appropriate standard of care and treatment.  This serves as a wakeup call that the Nebraska medical community needs to do better in providing care to patients who are deaf or hard of hearing.”  If you or someone you know is not being provided effective communication access and care, please contact NCDHH at 402-471-3593 or ncdhh@nebraska.gov. #http://www.tweezerman.com/uploaded_files/tinymce/images/facebook-logo.jpgTo unsubscribe from the E-Communicator, reply to this email with “Unsubscribe from E-Communicator” in the subject line of the message. |
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