



## PATIENTS' RIGHTS TO SIGN LANGUAGE INTERPRETERS

---

### I REQUESTED A SIGN LANGUAGE INTERPRETER. DOES MY DOCTOR HAVE TO PROVIDE ONE?

Yes. Both Americans with Disabilities Act (ADA), (42 U.S.C. § 12132, 42 U.S.C. § 12182(b)(2)(A)(iii), 28 C.F.R. § 35.160(b)) and the New York State Human Rights Law (HRL) (Exec. Law § 296(2)(a)) require health care providers such as doctors' offices, clinics, and hospitals, to provide free sign language interpreters to people who need them for effective communication. New York State regulations also govern the provision of sign language interpreters in hospitals, (10 NYCRR 405.7(a)(7)). Failure to do so may constitute discrimination.

The ADA and the HRL require health care providers to provide free auxiliary aids and services to patients and their family members who need them. An auxiliary aid and service is something that makes aural information available to individuals with hearing impairments. Under federal regulations, auxiliary aids and services include sign language interpreters, note takers, transcription services, closed captioning, and assistive listening devices.<sup>1</sup> Qualified sign language interpreters also constitute auxiliary aids and services under the HRL.<sup>2</sup>

If you are an individual who is Deaf<sup>3</sup> and who does not use sign language, you may request other auxiliary aids and services that will allow you to communicate with your health care providers.

---

<sup>1</sup> 28 CFR § 36.303(c).

<sup>2</sup> N.Y. Exec. Law. §§ 296.2(a)(ii), 296.2(d)(iii).

<sup>3</sup> Disability Rights New York recognizes that people use many terms to describe their hearing-related disabilities. DRNY uses "Deaf" in this Fact Sheet for brevity, with no intent at offending or excluding those who prefer, require, and use other terms.

## WHEN DOES MY DOCTOR NEED TO PROVIDE AN INTERPRETER?

You should have an interpreter whenever you are having an important conversation with your provider, such as taking a medical history or discussing a serious diagnosis and treatment options. Interpreters may not be needed for short conversations with administrative staff, prescription pick-up, and other non-substantive matters. For example, passing notes or the use of email might be adequate for minor matters such as scheduling an appointment.

Always try to give your provider enough advance notice to schedule an interpreter for you when you believe you will need one.

## HOW CAN I EXPLAIN TO MY DOCTOR THAT AN INTERPRETER IS NECESSARY?

See DRNY Fact Sheet “Health Care Providers’ Obligations to Provide Sign Language Interpreters”, at [www.new.drny.org/docs/sign-language-obligations-for-health-care-providers.pdf](http://www.new.drny.org/docs/sign-language-obligations-for-health-care-providers.pdf), which you should feel free to give to your doctor.

You can explain that ineffective communication between medical providers and Deaf patients may prevent patients from making informed medical decisions and potentially result in inadequate medical care. You can point out that without effective communication, providers may misdiagnose patients who cannot communicate all of their symptoms, treat patients based on visible symptoms rather than on underlying causes, and inadequately explain treatment options to patients.

## HOW CAN I EXPLAIN TO MY DOCTOR THAT A FAMILY MEMBER OR FRIEND IS NOT AN APPROPRIATE INTERPRETER?

A medical provider should not ask you to use a non-professional interpreter for two reasons. First, professional interpreters are highly trained to translate sign language into English and English into sign language.<sup>4</sup> A person who knows sign language less formally, such as a relative, may not be able to interpret and provide effective communication, especially when conveying complex medical information. Second, medical information is confidential and often highly

---

<sup>4</sup> There are many sign languages other than American Sign Language, including Signed English, Signed Exact English, vernacular sign, and international sign languages such as British Sign Language or Persian Sign Language. Medical providers should not assume that all patients who are Deaf use ASL to communicate, and ask patients who are Deaf what kind of interpreter they require.

sensitive. A Deaf patient has the right to medical privacy and should not be forced to communicate in the presence of anyone else.

However, it is your choice, and if you want to have a friend or family member interpret, you should be allowed to do so, as long as both you and your health care provider believe the communication is effective.

## DOES A DOCTOR NEED TO PROVIDE ME AN INTERPRETER WHEN MY COMPANION IS RECEIVING HEALTH CARE?

Yes. Health care providers are also required to provide an interpreter, or other appropriate auxiliary aid or service, to a patient's companion with a disability if that individual is authorized to participate in the patient's healthcare. Therefore, if you are Deaf, utilize sign language, and are accompanying a family member or other individual to a medical appointment, you may be entitled to interpretive services.

## WHAT IF I NEED OTHER INTERPRETIVE SERVICES?

If you do not use American Sign Language (ASL), alternative auxiliary aids and services should also be provided when requested.

### *COMMUNICATION ACCESS REAL-TIME TRANSLATION (CART)*

Communication Access Realtime Translation (CART) is a service that is commonly requested and may be necessary for individuals who are Deaf and who do not use ASL. CART is a speech-to-text interpreting service in which spoken words are typed out and displayed on a tablet, computer, television, or projection screen. CART may facilitate more effective communication than exchanging notes.

### *VIDEO REMOTE INTERPRETING (VRI)*

VRI is a common alternative to the use of in person interpreters. VRI uses devices such as web cameras or video phones to provide interpretive services via remote or off-site interpreters.

VRI requires a strong and consistent internet connection as well as appropriate placement of the screen so you and the interpreter can see each other clearly.

Health care providers are encouraged to use live interpreters whenever possible, but should consider making VRI available for use in emergency situations, or for shorter appointments or meetings.

Patients who are Deaf have varying needs of communication, and technology is constantly evolving, so it is important for your provider to consider other auxiliary aids and services that you might suggest.

## DO I HAVE TO PAY FOR THE INTERPRETER?

No. Controlling law mandates that a healthcare provider cannot pass the cost of interpreter services on to you or your family. You should never be asked to pay for the cost of your interpretive services by your healthcare provider.

---

## DISABILITY RIGHTS NEW YORK CONTACT INFORMATION

*Albany:*

*725 Broadway, Suite 450*

*Albany, New York 12207*

*Fax: 518-427-6561*

*Brooklyn:*

*25 Chapel Street, Suite 1005*

*Brooklyn, New York 11201*

*Fax: 718-797-1161*

*Rochester:*

*44 Exchange Blvd., Suite 110*

*Rochester, New York 14614*

*Fax: 585-348-9823*

*Mail@DRNY.org • www.DRNY.org*

*Toll free: 1-800-993-8982 • Voice: 518-432-7861 • TTY: 518-512-3448*

---

DISCLAIMER:

THIS INFORMATION SHEET IS INTENDED TO GIVE BASIC INFORMATION ABOUT THE RIGHT TO SIGN LANGUAGE INTERPRETERS IN HEALTH CARE SETTINGS. DISABILITY RIGHTS NEW YORK ACCEPTS NO LIABILITY FOR THE CONTENT OF THIS DOCUMENT, OR FOR THE CONSEQUENCES OF ANY ACTIONS TAKEN ON THE BASIS OF THE INFORMATION PROVIDED.

THE RIGHT TO SIGN LANGUAGE INTERPRETERS IN HEALTH CARE SETTINGS, V.1