Office of Deaf Services

General Medical Hospital Responsibilities for Effective Communication:

Legal Requirements and Communication Access for Deaf, Hard-of-Hearing, and DeafBlind Patients

Target audience: *Hospital leadership, compliance staff, admissions/intake teams, and clinical staff.*

Overview

Hospitals must provide deaf and hard-of-hearing patients with equal access, effective communication, and necessary auxiliary aids—including qualified interpreters—throughout the entire care process. These obligations come from multiple federal laws, accreditation rules, and patient-safety standards.

Qualified American Sign Language (ASL) interpreters and other necessary auxiliary aids must be provided at no cost to patients. Patients cannot be required to bring family members to interpret. In Alabama, interpreters must hold a valid state license or permit, unless legally exempt, and must have the skills needed to interpret medical information accurately.

Core Legal Requirements

ADA Title III: Privately operated hospitals are places of public accommodation and must provide equal access and effective communication, including qualified interpreters and auxiliary aids. Requirements apply across all care (assessments, psychiatric evaluations, therapy, medication discussions, and discharge planning).

Resource: U.S. Department of Justice – Effective Communication
https://www.ada.gov/resources/effective-communication/

Section 504 of the Rehabilitation Act: Applies to facilities receiving federal financial assistance. Prohibits disability discrimination and requires meaningful, effective access. Hospitals must provide auxiliary aids and may not deny, limit, or delay care due to disability.

Resource: HHS Section 504 Guidance
https://www.hhs.gov/civil-rights/for-providers/laws-regulations-guidance/disability/index.html

ACA Section 1557: Applies to health programs or activities receiving HHS federal financial assistance. Independently prohibits disability discrimination and requires effective communication and appropriate auxiliary aids. Applies to general acute and freestanding psychiatric hospitals.

Resource: HHS Section 1557 Nondiscrimination Rule
https://www.hhs.gov/civil-rights/for-providers/laws-regulations-guidance/section-1557/index.html

HHS Regulations—Section 504 (45 CFR Part 84) and Section 1557 (45 CFR Part 92): Hospitals receiving federal financial assistance from HHS must ensure effective communication for Deaf and hard-of-hearing patients. This includes providing qualified ASL interpreters and other communication aids when needed, at no cost to patients.

Resource: U.S. Department of Health and Human Services
https://www.hhs.gov/civil-rights/for-individuals/disability/effective-communication/index.html

Operational and Accreditation Requirements

CMS Conditions of Participation: Medicare/Medicaid certified hospitals—including freestanding psychiatric hospitals—must protect patient rights and comply with federal nondiscrimination rules, including communication access requirements and interpreter services.

Resource: CMS State Operations Manual
https://www.cms.gov/regulations-and-guidance/guidance/manuals/internet-only-manuals

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The Joint Commission: Accredited hospitals must ensure equitable care, effective communication, and use of qualified interpreters or auxiliary aids when needed for safe, high-quality care. Denial of services based on hearing status violates Joint Commission patient rights standards.

Resource: Joint Commission – Patient-Centered Communication Standards
https://www.jointcommission.org/resources/patient-safety-topics/patient-centered-communication/

Additional Federal Requirements

EMTALA (Emergency Departments): Applies to all hospital emergency departments. While EMTALA does not explicitly reference interpreters, hospitals must ensure patients can participate meaningfully in medical screening exams and stabilization. Failure to provide communication access can constitute an EMTALA violation because patients cannot accurately report symptoms, understand findings, or provide informed consent without effective communication.

Resource: CMS EMTALA Guidance
https://www.cms.gov/medicare/regulations-guidance/legislation/emergency-medical-treatment-labor-act

HIPAA Privacy Rule: Applies to all covered entities, including hospitals. HIPAA requires protection of patient privacy and confidentiality. Family or friends generally cannot interpret sensitive medical accurate communication for clinical decision-making.

Resource: HIPAA Privacy and Interpreter Compliance
https://hipaapartners.com/blog/hipaa-interpreter-compliance-privacy-protection-guide

Summary Statement: Taken together, ADA Title III, Section 504, ACA Section 1557, CMS Conditions of Participation, HHS Regulations, and Joint Commission requirements make clear that hospitals cannot deny or limit care based on hearing status. Facilities must provide equal access and effective communication at every point in the care process—from intake and assessment through treatment, medication discussions, and discharge.

Interpreter Qualifications: Interpreters must hold a current Alabama license or permit unless legally exempt. They must also interpret effectively, accurately, and impartially in both directions, using the medical terminology needed for the encounter. Hospitals must ensure the interpreter's skills match the patient's communication needs and the complexity of the care provided. A license or permit alone does not establish qualification for every medical encounter.

Suggested ASL Interpreter Agencies in Alabama

Disclaimer: *The information and resources listed reflect what was available at the time of publication and may change. Inclusion does not constitute endorsement. Each person is responsible for independently researching businesses and verifying services, qualifications, costs, and suitability for their needs. ADMH Office of Deaf Services is not responsible for the services provided, individual experiences, or outcomes resulting from the use of these suggested ASL Interpreter Agencies.*

Deaf Access Inc
BrightSigns Interpreting, LLC
Royal Signs Interpreting Agency
Easterseals Central Alabama
AIDB – Alabama Institute for Deaf and Blind
M&N Language Services, LLC
Sign Language Interpreter Services, LLC
Lagniappe Access Services, LLC
Montgomery Interpreting Services, LLC
LBP Interpreting, Inc.
Jones Interpreting Services, LLC
Foreign Language Services
Language Solutions
Allied Communication Interpreting Services

For Deaf, Hard-of-Hearing, and DeafBlind Patients and Families

How to Get Help or File a Complaint

1. Ask for help during your visit

Tell hospital staff what you need to understand your care, ask questions, and share information.

You can say:
"I need a qualified ASL interpreter."
"This way of communicating is not working for me."

Ask to speak with:

1. **Charge nurse:** The nurse in charge.
2. **Patient advocate or patient relations staff:** People who help with patient concerns.
3. **ADA coordinator:** The person who helps with disability access.
4. **Compliance officer:** The person who helps the hospital follow rules.

2. File a complaint with the hospital

Ask: **"How do I file a patient complaint or grievance?"**
A *grievance* is a formal complaint. Ask for help with the form if you need it.
Keep a copy of your complaint and the hospital's reply.

3. Report the problem outside the hospital

Each agency has a different role. Choose the one that fits your concern.
You can contact an outside agency even if you have not filed a complaint with the hospital.
Each agency decides whether it can review your concern.

HHS Office for Civil Rights (OCR) ***What is OCR?*** *Federal agency that enforces civil rights protections in health care* **For:** Disability discrimination in health care, such as not getting an interpreter when needed. https://ocrportal.hhs.gov ***Act soon:*** *You usually must file within **180 days** of learning about the problem. OCR may allow more time for a good reason.*	**The Joint Commission** ***What is JC?*** *Independent organization that accredits hospitals and reviews patient safety and quality concerns* **For:** Safety and quality concerns at hospitals it accredits. This means it checks whether those hospitals meet their standards. https://apps.jointcommission.org/qmsinternet/incidententry.aspx
Alabama Department of Public Health (ADPH) ***What is ADPH?*** *State hospital oversight agency* **For:** Concerns about care, safety, or patient rights at hospitals it oversees in Alabama. https://www.alabamapublichealth.gov/providerstandards/complaints.html	**U.S. Department of Justice (DOJ)** ***What is DOJ?*** *Federal government responsible for enforcing federal laws* **For:** Disability discrimination under the Americans with Disabilities Act (ADA), including problems with communication access. https://www.ada.gov/file-a-complaint/
Alabama Disabilities Advocacy Program (ADAP) ***What is ADAP?*** *Alabama's disability rights advocacy program provides legal help and protects the rights of people with disabilities.* **For:** Help with disability rights and hospital communication access through information, referrals, and legal advocacy. Services depend on eligibility and available resources. https://sites.ua.edu/adap/assistance-needed/	

What should I include?

Write down:

- The hospital's name and location.
- The date and what happened.
- The communication help you asked for.
- What staff said or did.
- How the problem affected your care.
- How to contact you, including your preferred way to communicate.

Keep copies of what you send and any replies.

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