Communication Access in Health Care: Legal Advocacy

presented by

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Who we are...

• We are the state’s Protection and Advocacy system.

• We have certain authority from federal law.

• We provide legal advocacy on behalf of people with disabilities.
How we work...

• Primarily federally funded through eight separate programs
  – Largest are designated by disability: PAIDD, PAIMI, PAIR (smaller: TBI)
  – Others designated by function: PAVA, PABSS, PASSRP, PAAT

• Tools
  – Impact litigation
  – Investigations/Monitoring
  – Policy Advocacy
Limitations

• Money = capacity

• Targets are named annually with some flexibility to address emerging issues

• PAIR is the only fund available for this work and is the smallest of the three

• Access to civil legal services vs. Impact litigation

• Staffing

• Lack of adequate remedy
One case...

• 2015 case against dentist and NC DHHS
• Patient is deaf and requested a sign language interpreter for her dental appointment.
• Federal law requires dentist to provide effective means of communication with patients.
• Dentist told patient to hire her own interpreter, otherwise he and his staff would communicate with her in writing.
• After one year, no response to complaint to NC DHHS
• DRNC employed a tester, no improvement shown
• Led to development of ADA complaint process at NC DHHS
• Not at all unusual
Some of the cases we haven't taken...

- Non-Medicaid communication access

- Repetition of the same claim without allowing the new mechanism to be tested

- Communication access is tangential to the case

- Any case where possible self-advocacy measures have not yet been taken - technical assistance or referral to non-legal services
Related case...

- Patient is blind and receives inpatient treatment in a hospital that is part of a large system
- Requests accessible billing information
- Eventually gets hospital billing in accessible form, but all ancillary provider billing is inaccessible
- Billing entity is not disclosed to patient at time of service
- How to ensure accessible billing?
Questions
Contact Information

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