

**DISABILITY RIGHTS**  
NORTH CAROLINA

*Champions for Equality and Justice*



# **Communication Access in Health Care: Legal Advocacy**

*presented by*

**Corye Dunn, Director of Public Policy**

# 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

## Disability Rights North Carolina

3724 National Drive

Suite 100

Raleigh, NC 27612

919.856.2195

877.235.4210

888.268.5535 TTY

[www.disabilityrightsnc.org](http://www.disabilityrightsnc.org)