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**Department of Justice**

U.S. Attorney's Office

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FOR IMMEDIATE RELEASE

Wednesday, January 29, 2020

## **Lawrence + Memorial Hospital Agrees to Comply with ADA Regarding Deaf and Hard of Hearing Patients**

John H. Durham, United States Attorney for the District of Connecticut, today announced that the government has reached a settlement agreement under the Americans with Disabilities Act of 1990 ("ADA") with Lawrence + Memorial Hospital ("L+M") in New London, an affiliate of Yale New Haven Health Services Corporation, regarding L+M's provision of effective communication to its deaf and hard of hearing patients.

This matter was initiated upon receipt of a complaint filed with the U.S. Attorney's Office for the District of Connecticut by Disability Rights Connecticut. Disability Rights Connecticut filed the complaint on behalf of an individual ("the complainant") who is profoundly deaf and uses American Sign Language as her primary means of communication. The complainant alleges that she was referred to the hospital for an appointment and, when she arrived at the hospital at the scheduled time, there was no interpreter present despite the hospital having provided her with an interpreter at a past appointment. At the time of appointment, the complainant requested an interpreter. The hospital did not provide an interpreter for the complainant at any time during her appointment. Because she was not provided with a qualified interpreter, the complainant alleges she was not able to effectively communicate with the hospital's staff, including the healthcare providers providing her care.

Title III of the ADA requires places of public accommodation to provide appropriate auxiliary aids and services, such as qualified interpreters, where necessary to ensure effective communication with individuals with disabilities. Places of public accommodation are prohibited from requiring an individual with a disability to bring another individual to interpret for him or her. Similarly, places of public accommodation may not charge a surcharge to individuals with disabilities for measures, including auxiliary aids and services, like interpreters, that are required to provide the individual with a disability with nondiscriminatory treatment under the ADA. As a hospital, L+M is a public accommodation under Title III of the ADA and its facility is a place of public accommodation.

The settlement agreement resolves the complaint received by the government that L+M violated Title III of the ADA by failing to provide effective communication to the complainant. The terms of the settlement agreement require L+M to assess patients and/or companions to determine if auxiliary aids or services are required for effective communication. Whenever it is necessary to ensure effective communication for those individuals, L+M will provide appropriate auxiliary aids and services, including qualified interpreters, free of charge to patients or companions who are deaf or hard of hearing. L+M will also record the need for

auxiliary aids and services for patients or companions in the patient's medical record so that hospital personnel can provide the auxiliary aids and services at the patient's subsequent visits. The hospital will notify the public regarding its policy on the availability of auxiliary aids and services by posting signs in the hospital facility, putting notice on its website, and including information in its patient handbook. L+M will also develop and implement a grievance resolution procedure regarding effective communication and provide training regarding the provision of auxiliary aids and services to all L+M hospital personnel who have direct contact with patients or companions.

In addition, L+M will compensate the complainant in the amount of \$8,500.

The ADA authorizes the U.S. Department of Justice to investigate complaints and undertake periodic reviews of compliance of covered entities. The Justice Department is also authorized to commence a civil lawsuit in federal court in any case that involves a pattern or practice of discrimination or that raises issues of general public importance, and to seek injunctive relief, monetary damages, and civil penalties.

"This matter demonstrates the commitment of this office to ensuring that deaf and hard of hearing individuals are able to effectively communicate with their healthcare providers," stated U.S. Attorney Durham. "From the beginning of this investigation, Lawrence + Memorial has demonstrated a commitment to addressing the Americans with Disabilities Act issues raised in this matter and we are pleased to have reached this comprehensive settlement agreement with the hospital."

This matter was handled by Assistant U.S. Attorney Jessica H. Soufer of the District of Connecticut in coordination with the Disability Rights Section of the U.S. Department of Justice Civil Rights Division.

Any member of the public who wishes to file a complaint alleging that the office of a health care provider or any other place of public accommodation or public entity in Connecticut is not accessible to persons with disabilities may contact the U.S. Attorney's Office at 203-821-3700.

Additional information about the ADA can be found at [www.ada.gov](http://www.ada.gov), or by calling the Justice Department's toll-free information line at (800) 514-0301 and (800) 514-0383 (TTY). More information about the Civil Rights Division and the laws it enforces is available at [www.justice.gov/crt](http://www.justice.gov/crt).

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**Topic(s):**

Civil Rights

**Component(s):**

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