

MAR 12 2026

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# SENATE CONCURRENT RESOLUTION

REQUESTING THE DISABILITY AND COMMUNICATION ACCESS BOARD TO  
STUDY THE HEALTH CARE SETTING COMMUNICATION NEEDS OF, AND  
DEVELOP GUIDELINES FOR, INDIVIDUALS WHO ARE DEAF, HARD OF  
HEARING, OR DEAF-BLIND.

1 WHEREAS, the Title III of the Americans with Disabilities  
2 Act of 1990 (42 USC section 12101 *et. seq.* (1990)) requires  
3 healthcare facilities to communicate effectively with people  
4 having communication disabilities; and

5  
6 WHEREAS, Chapter 489, Hawaii Revised Statutes, prohibits  
7 discrimination on the basis of disability in places of public  
8 accommodation, including healthcare facilities; and

9  
10 WHEREAS, healthcare providers have a duty to provide  
11 auxiliary aids and services, including qualified sign language  
12 interpreters, to patients who are deaf, hard of hearing, or  
13 deaf-blind in order to promote effective communication; and

14  
15 WHEREAS, before deciding what type of auxiliary aid or  
16 service is necessary for effective communication, healthcare  
17 providers must give primary consideration to the patient's  
18 preference; and

19  
20 WHEREAS, a healthcare provider may allow an adult  
21 accompanying a deaf, hard of hearing, or deaf-blind patient to  
22 interpret only in limited cases involving an imminent threat and  
23 upon agreement of all parties; and

24  
25 WHEREAS, a healthcare provider may not rely on an  
26 accompanying adult to interpret if there is reason to doubt the  
27 person's impartiality or effectiveness; and

28  
29 WHEREAS, each patient who is deaf, hard of hearing, or  
30 deaf-blind has different needs and preferences regarding the  
31 desired profile of the interpreters, the sign language used, and



1 the specific services interpreters can provide, including  
2 American Sign Language and tactile interpretation; and

3  
4 WHEREAS, the Disability and Communication Access Board has  
5 published an informational flyer, "Guidance for Healthcare  
6 Providers in Ensuring Effective Communication"; and

7  
8 WHEREAS, Hawaii suffers from a shortage of qualified sign  
9 language interpreters; and

10  
11 WHEREAS, given the limited availability of qualified  
12 interpreters and the variety of required and preferred  
13 interpretation services additional guidance is needed to assist  
14 healthcare providers in communicating effectively with deaf,  
15 hard of hearing, and deaf-blind patients; and

16  
17 WHEREAS, patients who are deaf, hard of hearing, or  
18 deaf-blind may have additional communication needs while  
19 hospitalized or receiving in-patient care in skilled nursing  
20 facilities; now, therefore,

21  
22 BE IT RESOLVED by the Senate of the Thirty-third  
23 Legislature of the State of Hawaii, Regular Session of 2026, the  
24 House of Representatives concurring, that the Disability and  
25 Communication Access Board is requested to conduct a study of  
26 the communication needs of deaf, hard of hearing, or deaf-blind  
27 individuals in health care settings; and

28  
29 BE IT FURTHER RESOLVED that the study is requested to  
30 include consideration of:

- 31  
32 (1) The availability of sign language interpreters,  
33 tactile interpreters, and other services and auxiliary  
34 aids that serve the needs of deaf, hard of hearing,  
35 and deaf-blind communities in the State;  
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37 (2) The range of preferences of deaf, hard of hearing, or  
38 deaf-blind patients;  
39  
40 (3) Any special communication needs of deaf, hard of  
41 hearing, or deaf-blind patients who are hospitalized



1 or receiving in-patient care in skilled nursing  
2 facilities; and

- 3  
4 (4) The legal duty for health care providers to provide  
5 auxiliary aids and services, including qualified sign  
6 language interpreters, to patients who are deaf, hard  
7 of hearing, or deaf-blind in order to promote  
8 effective communication; and  
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10 BE IT FURTHER RESOLVED that, based on the study's findings,  
11 the Disability and Communication Access Board is requested to  
12 make any necessary revisions to the current guidance for  
13 healthcare providers to ensure effective communication that  
14 better addresses the needs of deaf, hard of hearing, or  
15 deaf-blind individuals in healthcare settings; and  
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17 BE IT FURTHER RESOLVED that the Disability and  
18 Communication Access Board is requested to submit a report of  
19 its findings and recommendations, including any proposed  
20 legislation, to the Legislature no later than twenty days prior  
21 to the convening of the Regular Session of 2027; and  
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23 BE IT FURTHER RESOLVED that certified copies of this  
24 Concurrent Resolution be transmitted to Director of Health and  
25 all members of the Disability and Communication Access Board.  
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OFFERED BY: 

