
SENATE CONCURRENT RESOLUTION

REQUESTING THE DISABILITY AND COMMUNICATION ACCESS BOARD TO
STUDY THE COMMUNICATION NEEDS OF INDIVIDUALS WHO ARE DEAF,
HARD OF HEARING, OR DEAF-BLIND IN HEALTH CARE SETTINGS AND
MAKE NECESSARY REVISIONS TO THE GUIDANCE FOR HEALTH CARE
PROVIDERS.

1 WHEREAS, Title III of the Americans with Disabilities Act
2 of 1990 (42 U.S.C section 12181 *et. seq.* (1990)) requires health
3 care facilities to communicate effectively with people having
4 communication disabilities; and

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

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10 WHEREAS, health care 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

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

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20 WHEREAS, a health care 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

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25 WHEREAS, a health care 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

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1 WHEREAS, each patient who is deaf, hard of hearing, or
2 deaf-blind has different needs and preferences regarding the
3 desired profile of interpreters, the sign language used, and the
4 specific services interpreters can provide, including American
5 Sign Language and tactile interpretation; and

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7 WHEREAS, the Disability and Communication Access Board has
8 published an informational flyer, *Guidance for Healthcare*
9 *Providers in Ensuring Effective Communication*; and

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11 WHEREAS, Hawaii suffers from a shortage of qualified sign
12 language interpreters; and

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14 WHEREAS, given the limited availability of qualified
15 interpreters and the variety of required and preferred
16 interpretation services, additional guidance is needed to assist
17 health care providers in communicating effectively with deaf,
18 hard of hearing, and deaf-blind patients; and

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20 WHEREAS, patients who are deaf, hard of hearing, or
21 deaf-blind may have additional communication needs while
22 hospitalized or receiving inpatient care in skilled nursing
23 facilities; now, therefore,

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

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32 BE IT FURTHER RESOLVED that the study is requested to
33 include consideration of:

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35 (1) The availability of sign language interpreters,
36 tactile interpreters, and other services and auxiliary
37 aids that serve the needs of deaf, hard of hearing,
38 and deaf-blind communities in the State;
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40 (2) The range of preferences of deaf, hard of hearing, or
41 deaf-blind patients;
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1 (3) Any special communication needs of deaf, hard of
2 hearing, or deaf-blind patients who are hospitalized
3 or receiving inpatient care in skilled nursing
4 facilities; and
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6 (4) The legal duty for health care providers to provide
7 auxiliary aids and services, including qualified sign
8 language interpreters, to patients who are deaf, hard
9 of hearing, or deaf-blind in order to promote
10 effective communication; and
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12 BE IT FURTHER RESOLVED that, based on the study's findings,
13 the Disability and Communication Access Board is requested to
14 make any necessary revisions to the current guidance for health
15 care providers to ensure effective communication that better
16 addresses the needs of deaf, hard of hearing, or deaf-blind
17 individuals in health care settings; and
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19 BE IT FURTHER RESOLVED that the Disability and
20 Communication Access Board is requested to submit a report of
21 its findings and recommendations, including any proposed
22 legislation, to the Legislature no later than twenty days prior
23 to the convening of the Regular Session of 2027; and
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25 BE IT FURTHER RESOLVED that certified copies of this
26 Concurrent Resolution be transmitted to the Director of Health
27 and all members of the Disability and Communication Access
28 Board.

