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# SENATE 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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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 interpreters, the sign language used, and the



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

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

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

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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 health care providers in communicating effectively with deaf,  
15 hard of hearing, and deaf-blind patients; and

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

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

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

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



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(4) The legal duty for health care providers to provide auxiliary aids and services, including qualified sign language interpreters, to patients who are deaf, hard of hearing, or deaf-blind in order to promote effective communication; and

BE IT FURTHER RESOLVED that, based on the study's findings, the Disability and Communication Access Board is requested to make any necessary revisions to the current guidance for health care providers to ensure effective communication that better addresses the needs of deaf, hard of hearing, or deaf-blind individuals in health care settings; and

BE IT FURTHER RESOLVED that the Disability and Communication Access Board is requested to submit a report of its findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2027; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Director of Health and all members of the Disability and Communication Access Board.