

November 2020



Renew your membership to our local chapter for only \$15 a year! 3 ways to renew: send your renewal with your name, address, phone number, and e-mail to: East Bay Chapter, HLAA, P.O. Box 12484, Oakland, CA 94604-2484. See back page to sign up and support National HLAA.

November 14, 2020, Meeting by Zoom! Zoom in and see your friends from HLAA-EBC. Our speaker on Saturday, Nov. 14th will be Dr. Stefan Heller, PhD. Dr. Heller is a professor in the School of Medicine at Stanford University. Dr. Heller's research is focused on all of its RNA transcripts. The information content of an organism is recorded in the DNA of its genome and expressed through transcription methods, and he works on developing stem cell-based cellular drug screening assays (investigative/analytic procedures in laboratory medicine). This is a cutting-edge field, and his presentation should be very enlightening.

Our November 14 meeting will be a Zoom meeting:

Everyone needs to register up front at our website: <http://www.hearinglosseb.org/>

After you register, you'll be sent information about how to join the meeting.

HLAA-EB will post to the California State Association webpage and our website.

Check out our website: <http://www.hearinglosseb.org/> Contact us: info@hearinglosseb.org

MEETING NOTES: *Legal Issues & Requirements for Effective Communication in Healthcare*

At our Oct. 10th, 2020 meeting, our guest speaker was Trevor Finneman, Esq., an attorney in the Los Angeles law firm of Almazan|Finneman. The firm specializes in employment, housing, personal injury, civil rights, and disability law, particularly focusing on helping deaf and hard-of-hearing (HoH) persons pursue their rights under the law. During his presentation, Attorney Finneman, who has a bilateral profound hearing loss, provided an excellent review of the relevant federal and state law, as well as practical ideas that may be useful in supporting those with hearing loss (HL) in gaining access to their legal rights to appropriate accommodations for effective communication in healthcare.



Importance of Effective Communication in Healthcare: Noting that the law itself can be dry, boring and less than perfect, it is, nevertheless, quite important to know and understand one's legal rights to effective communication when seeking an appropriate diagnosis and treatment in healthcare. Effective communication is especially important in healthcare because it is absolutely necessary in order for a patient to:

- Make informed (sometimes life & death) medical decisions.
- Actively participate in their treatment and/or rehabilitation.

- Ask questions & discuss health symptoms, medical history, diagnosis, treatment options, discharge instructions.
- Give informed consent before treatment and signing any paperwork (e.g., an arbitration agreement).

Laws Protecting Right to Effective Communication: A deaf, HoH, and deaf-blind patient's right to effective communication when seeking medical diagnosis & treatment is protected by several federal and state laws, including but not limited to:

Federal Law:

- ✓ *Americans with Disabilities Act (ADA):* Applies to both (a) public entities & (b) private entities.
- ✓ *Section 504 of Rehabilitation Act:* Similar to ADA, but applies only to entities getting federal financial funds.
- ✓ *Section 1557 of Patient Protection - Affordable Care Act.*

California State Law:

- ✓ *CA's Unruh Civil Rights Act:* Applies to all business establishments of any kind whatsoever.
- ✓ *CA's Disabled Person's Act:* Applies to all businesses with physical locations that serve the public.
- ✓ *Elder Abuse & Dependent Adult Civil Protection Act:* Applies to those age 65+ & dependent adults 18-64.

Auxiliary Aids & Services in Providing Effective Communication: The ADA requires that covered public and private entities take steps to provide that persons with disabilities (PWDs) who are deaf or HoH have access to the appropriate auxiliary aids & services necessary to ensuring effective communication. The factors used in determining what constitutes "effective communication" in a specific factual situation include: The nature, length, complexity and context of the communication, as well as PWD's chosen way of communication. The term "auxiliary aids & services" is flexible and typically broadly construed so long as it results in effective communication. Examples include:

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| <ul style="list-style-type: none"> • "Qualified" Interpreters On-Site or VRI • Notetakers • Communication Assess Realtime Translation (CART) • Written Materials • Exchange of Written Notes • Large Print Materials or Braille Materials | <ul style="list-style-type: none"> * Assistive Listening Devices * Telecommunication Devices (TTYs) * Video Text * Open & Closed Captioning * Acquisition/Modification of Equipment * Companions (Animals & People) |
|---|---|

Application of Rules on Auxiliary Aids & Services: The same rules that apply to PWDs in providing accommodations such as auxiliary aids & services also apply to their "companions", including family members, significant others (spouse, partners), friends, caretakers, etc. or other appropriate persons with whom the public entity should communicate.

Primary Consideration: A public entity must give primary consideration to the patient's or companion's request for an accommodation. Private medical offices must also consult with a patient or companion, but may make the ultimate decision about which auxiliary aids & services to provide. The "primary consideration" analysis is an on-going interactive process or dialogue between the patient/companion and the healthcare entity where the medical provider has an obligation to assess changing situations (e.g., current widespread usage of masks) and the type of auxiliary aids & services necessary to provide effective communication.

Who Pays? The public or private entity must pay for the auxiliary aids & services needed to accommodate the person with a disability, and the entity may not impose a surcharge on the individual to cover any additional costs. Yet, entities may try to avoid provision of auxiliary aids or services by relying on two possible defenses: (1) Fundamental alteration so significant that it alters the essential nature of the activity (doesn't usually apply to healthcare); (2) Undue burden of financial or administrative impact on the entity that is not justified (determined on a case-by-case basis).

Tips for Requesting Auxiliary Aids & Services: Attorney Finneman wrapped up his presentation by answering questions and sharing suggestions for requesting and acquiring appropriate HL accommodations in a timely manner.

- ❖ Request auxiliary aids & services as accommodations in advance, if possible, so you can get them on time.
- ❖ Document all requests for accommodations in writing (written note, email, etc.) that include sufficient details: Your name; disability; importance of requested accommodation for effective communication; specific auxiliary aids and/or services needed; date accommodation needed, and the deadline by which you expect a response.
- ❖ Keep good records of all relevant communications, including date request submitted, person to whom the request was submitted, response to your request, and any other follow-up communications.
- ❖ Ask to speak with the ADA coordinator or office manager, who may be more familiar with legal obligations.
- ❖ Be sure to read carefully before signing any legal documents, including arbitration agreements.
- ❖ Take the opportunity to politely educate medical staff on the relevant laws and policies on effective communication when necessary.
- ❖ Become a self-advocate who is willing and able to speak up in seeking accommodations that meet your needs.
- ❖ Be firm, but polite in your communications since politeness is most effective in getting the results you want.

For More Information & Questions: Visit www.alfilaw.com; email trevor.finneman@alfilaw.com

~ Kathy Fairbanks

What's New in Hearing Loss Research:

From Science Daily:

On October 15, 2020, it was reported in research at the University of Minnesota: In the largest clinical trial of its kind, researchers show that combining sound and electrical stimulation of the tongue can significantly reduce tinnitus, commonly described as 'ringing in the ears.' They also found that therapeutic effects can be sustained for up to 12 months post-treatment.

On October 1, 2020, at the Ohio State University:

We hear sounds in part because tiny filaments inside our inner ears help convert voices, music and noises into electrical signals that are sent to our brains for processing. Now, scientists have mapped and simulated those filaments at the atomic level, a discovery that shed lights on how the inner ear works and that could help researchers learn more about how and why people lose the ability to hear.

On October 13, 2020, from Cornell University:

Cornell University researchers have invented an earphone that can continuously track full facial expressions by observing the contour of the cheeks -- and can then translate expressions into emojis or silent speech commands.

On Sept. 11, 2020, at the University of Maryland School of Medicine:

Researchers have conducted a study that has determined the role that a critical protein plays in the development of hair cells. These hair cells are vital for hearing. Some of these cells amplify sounds that come into the ear, and others transform sound waves into electrical signals that travel to the brain. Ronna Hertzano, MD, PhD, Associate Professor in the Department of Otorhinolaryngology Head and Neck Surgery at UMSOM and Maggie Matern, PhD, a postdoctoral fellow at Stanford University, demonstrated that the protein, called GF11, may be critical for determining whether an embryonic hair cell matures into a functional adult hair cell or becomes a different cell that functions more like a nerve cell or neuron.

Want to read the complete stories of the above research or other related stories? Go [here](#) or use this URL: https://www.sciencedaily.com/news/mind_brain/hearing_loss/

JOKE CORNER:

1. A man with hearing problems crashed his car into an expensive car, The owner of the expensive car walks out of his house and says “give me 10,000 dollars or I’ll beat the hell out of you!!” The man replies “Woah woah buddy I don’t have that much, but let me call my son, he trains dolphins”. The man calls his son and right as he was about to talk, the owner of the expensive car yanks the phone out of his hand and says “So you train dolphins? Well bring me 10,000 dollars or I’ll beat your dad!”, the son answers “Okay give me 15 minutes and I’ll be there.” 15 minutes later the son pulls up with a jeep and out comes 10 men which start beating the owner of the car. Meanwhile the son walks over to his father and says “Dad I train Seals not dolphins.”
2. A group of hard-of-hearing people are protesting
"What do we want?"
"Hearing aids!"

"When do we want it?"
"Hearing aids!"
3. I went to a doctor complaining of hearing problems. The doctor said “okay describe the symptoms” so I replied “no problem mate Homer’s fat and Marge has blue hair”

HLAA – EBC is looking for volunteers! Specifically, we need a Publicity Chair but other volunteers are needed as well. Please contact Dale Davis, our chapter leader, to discuss the possibilities! Contact: daledavis94605@gmail.com. Leave your number so she can call you.

HEARING AID BATTERIES! Only 17 cents apiece at Costco.

HLAA members can join the hearOclub to have batteries delivered to your home! Use the coupon code **HLAAmember** online at hearclub.com or by calling 833.LISTEN-2 (833.547.8362).

DONATE USED HEARING AIDS and/or HEARING EQUIPMENT! Bag them up and when we meet in person again, see Dale Davis at a meeting or ddavis94605@gmail.com.

East Bay Leadership Team

The chapter is run by a Steering Committee, Leader Dale Davis, ddavis94605@gmail.com who also oversees the Membership Database.

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JOIN THE NATIONAL HEARING LOSS ASSOCIATION – THEY ARE ADVOCATING FOR YOU!
Go to this URL to join today: <https://www.hearingloss.org/make-an-impact/become-a-memberrenew/>