

1 WHEREAS, healthcare facilities have important responsibilities under federal law
2 to be accessible to deaf and hard of hearing individuals and establish effective
3 communication with those persons as they receive medical treatment; and

4 WHEREAS, individual members of the deaf and hard of hearing community require
5 different options for reasonable accommodation of their communications needs; the
6 community is highly diverse in many respects, and no "one-size-fits-all" accommodation
7 exists for the entire deaf and hard of hearing population; and

8 WHEREAS, the United States Department of Health and Human Services recognizes
9 that English and American Sign Language (ASL) are distinct languages, and that writing or
10 interpreters who lack ASL proficiency will not suffice as effective communication aides for
11 most deaf persons whose only language is ASL; and

12 WHEREAS, many members of the deaf community and other patients with limited
13 English proficiency experience significant misunderstandings while receiving medical
14 treatment, leading to unnecessary or counterproductive treatments or putting them at risk for
15 adverse events due to language barriers or miscommunication; and

16 WHEREAS, when properly trained on their respective facilities' policies relating to
17 working with patients who are deaf, deaf-blind, or hard of hearing, healthcare practitioners
18 who interact with these patients or make communication-related decisions in coordinating
19 the patients' treatment are the personnel who are best able to provide and guide effective care
20 for people with hearing loss; and

21 WHEREAS, best practices for training of healthcare providers on communicating
22 with the deaf and hard of hearing include cultural competency and awareness, and emphasize
23 the importance of accommodating the patient's communication choices whenever possible;
24 and

25 WHEREAS, informed by deaf advocates and academic fields such as
26 neurolinguistics, new best practices for assessing the communication needs of patients with
27 hearing loss are emerging, and these practices should form the basis of healthcare facility
28 policies on accommodating the communication choices of the deaf and hard of hearing; and

29 WHEREAS, working together with the deaf and hard of hearing and their advocates,
30 Louisiana hospitals and nursing facilities can identify and implement cost-effective and

1 patient-centered communication policies in order to give patients who are deaf, deaf-blind,
2 or hard of hearing the equal treatment they deserve.

3 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
4 urge and request the Louisiana Department of Health to convene a study committee on
5 policies concerning communication-related services for the deaf and hard of hearing in
6 hospitals and nursing facilities.

7 BE IT FURTHER RESOLVED that the study committee shall be composed of the
8 following members:

9 (1) Each member of the Louisiana Commission for the Deaf who is not an elected
10 member of the legislature.

11 (2) The executive director of the Louisiana Commission for the Deaf.

12 (3) Two staff members of the Louisiana Department of Health, one of whom shall
13 represent the health standards section and one of whom shall represent the bureau of health
14 services financing, appointed by the secretary of the department.

15 (4) Two representatives of the Louisiana Hospital Association appointed by the
16 president of the association.

17 (5) The executive director of the Louisiana Nursing Home Association or his
18 designee.

19 (6) The executive director of the Louisiana Board of Examiners of Nursing Facility
20 Administrators or his designee.

21 (7) One physician appointed by the executive director of the Louisiana State Board
22 of Medical Examiners.

23 (8) One physician appointed by the chief executive officer of the Louisiana State
24 Medical Society.

25 (9) One registered nurse appointed by the executive director of the Louisiana State
26 Board of Nursing.

27 (10) One registered nurse appointed by the executive director of the Louisiana State
28 Nurses Association.

29 (11) The director of Deaf Focus or his designee.

30 (12) The coordinator of the Deaf Grassroots Movement of Louisiana or his designee.

1 BE IT FURTHER RESOLVED that the executive director of the Louisiana
2 Commission for the Deaf may appoint additional members to the study committee in a
3 number sufficient to ensure that no less than fifty percent of the membership of the
4 committee is comprised of persons who are deaf or hard of hearing and advocates for the
5 deaf and hard of hearing.

6 BE IT FURTHER RESOLVED that the members of the study committee shall serve
7 without compensation except for any per diem or expense reimbursement to which they may
8 be individually entitled as members of the constituent organizations.

9 BE IT FURTHER RESOLVED that the secretary of the Louisiana Department of
10 Health shall take such actions as are necessary to ensure that the study committee convenes
11 on or before August 31, 2019, and may appoint a staff member of the department to serve
12 as an independent facilitator for the committee.

13 BE IT FURTHER RESOLVED that at its initial meeting, the members of the study
14 committee shall elect from their number a chairperson and adopt rules of procedure for the
15 committee.

16 BE IT FURTHER RESOLVED that the study committee may elect a vice
17 chairperson and other officers and adopt policies as it deems necessary.

18 BE IT FURTHER RESOLVED that the study committee shall hold at least two
19 public meetings, and shall issue notice of each meeting in accordance with the applicable
20 provisions of the Open Meetings Law established in R.S. 42:19.

21 BE IT FURTHER RESOLVED that the Louisiana Department of Health shall
22 compile a written report of the findings and recommendations of the study committee, and
23 shall submit the report to the House Committee on Health and Welfare and the Senate
24 Committee on Health and Welfare no later than sixty days prior to the convening of the 2020
25 Regular Session of the Legislature of Louisiana.

26 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
27 secretary of the Louisiana Department of Health, the executive director and each member
28 of the Louisiana Commission for the Deaf, the president of the Louisiana Hospital
29 Association, the executive director of the Louisiana Nursing Home Association, the
30 executive director of the Louisiana Board of Examiners of Nursing Facility Administrators,

1 the executive director of the Louisiana State Board of Medical Examiners, the chief
2 executive officer of the Louisiana State Medical Society, the executive director of the
3 Louisiana State Board of Nursing, the executive director of the Louisiana State Nurses
4 Association, the director of Deaf Focus, and the coordinator of the Deaf Grassroots
5 Movement of Louisiana.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Smith

Urges and requests the La. Department of Health to convene a study committee on policies concerning communication-related services for the deaf and hard of hearing in hospitals and nursing facilities, and to report findings and recommendations of the study committee to the legislative committees on health and welfare no later than 60 days prior to the convening of the 2020 R.S.