

2019 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 80

BY REPRESENTATIVE SMITH AND SENATORS ALARIO, APPEL, BOUDREAUX, CARTER, CHABERT, CLAITOR, COLOMB, ERDEY, FANNIN, GATTI, JOHNS, LONG, LUNEAU, MILLS, MORRELL, PEACOCK, PETERSON, PRICE, RISER, GARY SMITH, JOHN SMITH, TARVER, THOMPSON, WALSWORTH, AND WARD

A CONCURRENT RESOLUTION

To urge and request the Louisiana 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.

WHEREAS, the legislature intends that persons who are deaf or hard of hearing have access to appropriate communication options in health facilities so that they may enjoy an equal degree of choice in their care and treatment as persons with hearing ability; and

WHEREAS, of every thousand citizens in the United States, four are deaf, sixteen are profoundly hard of hearing, and approximately one hundred are mildly to severely hard of hearing; and

WHEREAS, in Louisiana, approximately two percent of children born each year are deaf or hard of hearing; and

WHEREAS, the number of patients in this state who require communication-related accommodations in healthcare facilities continues to rise; and

WHEREAS, the Americans with Disabilities Act of 1990, as amended (42 U.S.C. 12101 et seq.), requires that healthcare facilities provide reasonable accommodations in access to care for persons with disabilities; and

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

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

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

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

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

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

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

WHEREAS, working together with the deaf and hard of hearing and their advocates, Louisiana hospitals and nursing facilities can identify and implement cost-effective and patient-centered communication policies in order to give patients who are deaf, deaf-blind, or hard of hearing the equal treatment they deserve.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the Louisiana 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the secretary of the Louisiana Department of Health, the executive director and each member of the Louisiana Commission for the Deaf, the president of the Louisiana Hospital Association, the executive director of the Louisiana Nursing Home Association, the executive director of the Louisiana Board of Examiners of Nursing Facility Administrators, the executive director of the Louisiana State Board of Medical Examiners, the chief executive officer of the Louisiana State Medical Society, the executive director of the Louisiana State Board of Nursing, the executive director of the Louisiana State Nurses Association, the director of Deaf Focus, and the coordinator of the Deaf Grassroots Movement of Louisiana.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE