

## THE OBLIGATIONS OF NURSING HOMES TO DEAF AND HARD OF HEARING PATIENTS

Nursing homes must be accessible to individuals with disabilities, pursuant to several federal laws including but not limited to the Rehabilitation Act, the Americans with Disabilities Act, and the Code of Federal Regulation (CFR) for Medicare and Medicaid nursing facilities.

F250 §483.15(g)(1) The facility must provide **medically-related social services to attain or maintain the highest practicable physical, mental, and psychosocial well-being of each resident.** Intent of §483.15(g) To assure that sufficient and appropriate social service are provided to meet the resident's needs. .

F279 §483.20(d) A facility must use the results of the assessment to develop, review and revise the resident's comprehensive plan of care. §483.20(k) Comprehensive Care Plans

**(1) The facility must develop a comprehensive care plan for each resident that includes measurable objectives and timetables to meet a resident's medical, nursing, and mental and psychosocial needs that are identified in the comprehensive assessment. The care plan must describe the following: The services that are to be furnished to attain or maintain the resident's highest practicable physical, mental, and psychosocial well-being as required**

F313 §483.25(b) Vision and Hearing

To ensure that residents receive proper treatment and assistive devices to maintain vision and hearing abilities, the facility must, if necessary, assist the resident – In making appointments, and by arranging for transportation to and from the office of a practitioner specializing in the treatment of vision or hearing impairment or the office of a professional specializing in the provision of vision or hearing assistive devices. **The intent of this regulation is to require a facility to assist residents in gaining access to vision and hearing services by making appointments and arranging for transportation, and assistance with the use of any devices needed to maintain vision and hearing.** Assistive devices to maintain vision include glasses, contact lenses, and magnifying glasses. Assistive devices to maintain hearing include hearing aids. This requirement does not mean that the facility must provide refractions, glasses, contact lenses, conduct comprehensive audiological evaluations (although screening is a part of the required assessment in §483.20(b)) or provide hearing aids. **The facility's responsibility is to assist residents and their families in locating and utilizing any available resources (e.g., Medicare or Medicaid program payment, local health organizations offering items and services which are available free to the community) for the provision of the services the resident needs.** This includes making appointments and arranging transportation to obtain needed services.

Questions to ask

If the resident needs, and/or requests and does not have vision and/or hearing assistive devices, what has the facility done to assist the resident in making appointments and obtaining transportation to obtain these services? If the resident has assistive devices but is not using them, why not (e.g., are repairs or batteries needed)?

F156§483.10(b)(1) -- The facility must inform the resident both orally and in writing in a language that the resident understands of his or her rights and all rules and regulations governing resident conduct and responsibilities during the stay in the facility.... Such notification must be made prior to or upon admission and during the resident's stay. Interpretive Guidelines §483.10(b)(1) "In a language that the resident understands" is defined as communication of information concerning rights and responsibilities that is clear and understandable to each resident, to the extent possible considering impediments which may be created by the resident's health and mental status.....**For hearing impaired residents who communicate by signing,**

**the facility is expected to provide an interpreter.** Large print texts of the facility's statement of resident rights and responsibilities should also be available.

#### F174 §483.10(k) Telephone

The resident has the right to have reasonable access to the use of a telephone where calls can be made without being overheard. Interpretive Guidelines §483.10(k)

Telephones in staff offices or at nurses' stations do not meet the provisions of this requirement. Examples of facility accommodations to provide reasonable access to the use of a telephone without being overheard include providing cordless telephones or having telephone jacks in residents' rooms. **"Reasonable access" includes placing telephones at a height accessible to residents who use wheelchairs and adapting telephones for use by the residents with impaired hearing.**

#### F406§483.45(a) Provision of Services

If specialized rehabilitative services such as, but not limited to physical therapy, speech-language pathology, occupational therapy, and mental health rehabilitative services for mental illness and mental retardation, are required in the resident's comprehensive plan of care, the facility must--

(1) Provide the required services; or (2) Obtain the required services from an outside resource (in accordance with §483.75(h) of this part) from a provider of specialized rehabilitative services. The intent of this regulation is to assure that residents receive necessary specialized rehabilitative services as determined by the comprehensive assessment and care plan, to **prevent avoidable physical and mental deterioration and to assist them in obtaining or maintaining their highest practicable level of functional and psycho-social well-being.**

The Americans with Disabilities Act (ADA), applies to all places of public accommodation **including residential facilities providing social or medical services, such as nursing homes.** Places of public accommodation have a duty to provide auxiliary aids and services to individuals with hearing impairments to ensure effective communication with individuals with disabilities. **"Auxiliary aids and services" are defined to include: Qualified interpreters, note takers, computer-aided transcription services, written materials, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDDs), videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments.** For nursing homes, one obvious accommodation for deaf individuals is access to telephone and television service. Places of lodging that provide televisions in five or more guest rooms and hospitals that provide television for patient use shall provide, upon request, a means for decoding captions.

**Assistive listening systems and devices are included among the listed auxiliary aids and services, and should be provided by the nursing home in areas of general assembly.**

You can get a copy of ADAAG (and the full Title III regulations) by contacting:  
Office on the Americans with Disabilities Act Civil Rights Division US Department of Justice PO Box 66118  
Washington DC 20530 (202) 514-0301 (202) 514-0301 (202) 514-0383 (202) 514-0383 (TDD)

## HAVE TROUBLE HEARING ON THE PHONE?



- ▶▶ DO VOICES SOUND GARBLED OR FAR AWAY?
- ▶▶ ALWAYS ASKING PEOPLE TO SPEAK UP?
- ▶▶ TIRED OF MISSING IMPORTANT CALLS?

**WE CAN HELP!**

The KY Commission on the Deaf and Hard of Hearing (KCDHH) Telecommunications Access Program (TAP) distributes FREE specialized telephone equipment (amplified telephones, CapTels, TDD's and wireless devices) to deaf, hard of hearing and speech-impaired Kentuckians.

To check for the latest equipment models please visit our website at [www.kcdhh.ky.gov](http://www.kcdhh.ky.gov) and click on *Telecommunications Access Program* then click on *Equipment List*.

All deaf, hard of hearing or speech impaired individuals over the age of five are eligible to apply for a free device.

If you would like to apply for TAP equipment of any kind contact us today!

Kentucky Commission on the Deaf and Hard of Hearing  
632 Versailles Rd.  
Frankfort, KY 40601  
(502) 573-2604 (V/T)  
(800) 372-2907 (V/T)  
(502) 416-0607 (VP)  
[www.kcdhh.ky.gov](http://www.kcdhh.ky.gov)  
[kcdhh@kcdhh.ky.gov](mailto:kcdhh@kcdhh.ky.gov)

## Telecommunications Access Program (TAP) of Kentucky

Per a law passed in 1994, the Kentucky Commission of the Deaf and hard of Hearing (KCDHH) established the Telecommunications Access Program (TAP). TAP provides specialized telecommunications equipment (such as amplified phones, wireless devices, CapTel, TDD, VCO or TeliTalk) at no charge to deaf, hard of hearing or speech impaired resident of Kentucky.

You are eligible to receive equipment from the TAP if you meet the following criteria:

- You must be a legal resident of the state for at least one year.
- You must be at least five (5) years of age (if you are under 18 years old, your parent/guardian must assume responsibility for the equipment).
- You must be deaf, hard of hearing, speech impaired or deaf-blind, to the extent that you cannot use the telephone for communication with the use of adaptive equipment.
- For most equipment choices, you must prove that you have a telephone line in your home and are responsible for the bills.
- For some equipment choices, you must be at least thirteen (13) years of age due to internet access protocol.

You must meet all of the eligibility criteria to participate in TAP. Only ORIGINAL applications are accepted (faxes and electronic applications are not allowed). You can request an application by contacting KCDHH directly.

***Fill out the application completely. Complete all the requested information and answer all of the questions on the application. IF you have questions contact KCDHH for assistance.***

- To complete the "Professional Certification" section of the application, contact a licensed profession who will complete this section of the form. Some professionals such as Internal Medicine physicians and other specialists must provide individualized verification for each applicant.
- Attach a copy of your phone bill (if your name is not on the phone bill you are submitting, then you must also provide a copy of the identification, such as a driver's license or other ID showing the same address as listed on your application.)
- Provide Proof of Residency. (ID with your current address that shows you have lived in KY for at least one (1) year.)