

**DEAF PATIENTS AGAIN SUE BETHESDA MEMORIAL HOSPITAL &  
BETHESDA HEALTHCARE SYSTEMS, INC.**

In May of 2005 Bethesda Memorial Hospital and Bethesda Healthcare Systems, Inc. settled a case with Florence & Cardell Beaubien who are profoundly deaf for failure to provide interpreters during their medical treatment. At that time the hospital entered into a Consent Agreement whereby the hospital agreed to pay monetary damages and utilize certain protocol to ensure that future deaf patients receive sign language interpreters, telecommunication devices for the deaf and closed captioning.

It is now eight years later and unfortunately these same problems continue for deaf patients at Bethesda Hospitals.. Deaf patients who communicate primarily in American Sign Language continue to be unable to participate in and understand medical treatment when it is provided to them at Bethesda despite their many requests for reasonable accommodations and the laws that require such accommodations. A complaint was recently filed by plaintiffs, Sandra Sunderland, Bodil Tvede, Barbara Drumm, Morris Steiner, Howard Feltzin, Julia Feltzin, Jacqueline Gluckman, James Liese, Susan Liese and the Florida Association of the Deaf, Inc. against Bethesda Memorial Hospital, Bethesda Hospital West and Bethesda Healthcare Systems, Inc. in the United States District Court for the Southern District of Florida, West Palm Beach Division. The Florida Association of the Deaf Inc. is a membership organization that advocates on behalf of deaf individuals. This Association has 642 members of which 221 members reside in Palm Beach County. In the complaint filed by the plaintiffs they allege that effective communication did not take place during their hospitalizations at Bethesda Memorial Hospital and Bethesda Hospital West. The plaintiffs also allege that these hospitals attempted to use friends and family members to interpret between the hospital staff and patients despite the Consent Agreement and the law which specifically prohibits the use of friends and family members as interpreters. The ADA and the Rehabilitation Act laws mandate that qualified interpreters be provided whenever necessary for effective communication. Although the hospital has attempted to utilize a video relay interpreting machine at times, this machine often does not work, the staff is not trained on its usage and/or the picture freezes making it useless. These deaf patients allege that such usage of the Video Relay Interpreting Machine is ineffective and thus is an unreasonable accommodation which does not ensure effective communication as required by law. This failure to ensure communication and to allow deaf patients the same rights as all other nondisabled patients is the gravamen of the lawsuit they filed.

The plaintiffs as well as Ms. Smit, Mr. Dietz and the Florida Association of the Deaf, Inc. are all hoping

that this lawsuit will bring about even more change not only to Bethesda Hospital but to other hospitals in Florida as well. Since many hospital staff in these hospitals are not trained on how to utilize the video relay interpreting system, training needs to be mandatory for all staff in order to ensure effective communication takes place in the future with deaf patients in hospitals. Communication difficulties in the past created extremely limited access to the legal community and the courts in general for deaf individuals. However, as technology and times continue to change so does the way deaf people can communicate in the world today and more change is needed in hospitals so that effective communication is not put at risk for deaf individuals.

All of the plaintiffs in this case are being represented by Clara R. Smit, an attorney from East Brunswick, New Jersey who specializes in serving the deaf and has brought other lawsuits in Florida against several doctors' offices and hospitals. Some of the hospitals she had previously brought lawsuits against that entered into Consent Agreements and agreed to policy changes for deaf and hard of hearing patients were Memorial Health Systems of Ormond Beach, Wellington Regional Medical Center, Compass Health Systems, Inc., and Halifax Medical Center in Daytona Beach. Local counsel in this case for the plaintiffs is Matthew Dietz who also specializes in discrimination cases in Miami, Florida. For further information please contact Clara R. Smit, Esq. at (732) 8436600 or Matthew Dietz, Esq. at (305) 669-2822.