

Welcome to USSAAC's Webinar Series, April 12, 2016

Communication Access in the United States:
Issues related to Education, Healthcare, and
Justice Systems

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Communication Access

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USSAAC Webinar

April 12, 2016



Communication Disabilities Access Canada

Accessibility Legislation Canada

- No national accessibility legislation in Canada
- Advocacy to develop a Canadians with Disabilities Act
- Legislation in Ontario and Manitoba
- Emerging legislation / strategies in other provinces
- Reflect access for people with physical, sensory, intellectual and mental health
- Increased awareness of accessibility
- Little or no enforcement of the law
- Individuals continue to battle accessibility barriers one at a time

Communication Access

- No representation of people with speech and language disabilities
- Review of 7 accessibility documents
- Alternate formats, sign language and websites
- No awareness of
 - population, barriers or accommodations
 - communication contexts
 - Communication in essential services

Communication Access Now (CAN)

CDAC (2001-present)

CAN project (2013-16)

National awareness strategy

- Policy makers and Legislators
- Businesses and organizations
- People with speech and language disabilities and communication disability sector



Communication access

- Understanding what others are saying
- Having others understand our messages
- Having time and opportunities to communicate
- Using our preferred methods of communication
- Being able to communicate in face-to-face interactions, over the telephone, at meetings and public events
- Being able to access reading materials
- Being able to sign documents and complete forms

(Collier, Blackstone & Taylor, AAC 2012)

Communication Access

- What public, private, non-profit businesses and services must do to provide access to their goods and services for people with SLDs
- Communication ramp
- Roles and responsibilities for both the organization and the person with SLD
- Clinicians play a significant role in communication access

Online Resources

<http://www.communication-access.org/>

Toolkits and messages:

- People with SLDs (video, access rights, communication displays)
- Speech Language Pathologists and advocates (powerpoints, support for clients)
- Businesses and organizations (barriers, e-learning modules, checklist, videos)
- Policy makers and legislators



Lessons Learned

- Policies direct practices
- We have human rights laws that we need to apply for people with SLDs
- Language is missing for people with SLDs
 - Population
 - Barriers
 - Communication accommodations and supports
 - Generic
 - Essential Services

Lessons Learned

Organizations are more likely to make their services accessible if they know what they must do.

Generic organizations:

- Talk directly to person in normal tone and volume
- Give more time for communication
- Ask what they should do when communicating with the person
- Tell the person if they do not understand their message
- Communication access checklist
- CAN e-learning modules

Lessons Learned

People with SLDs must be prepared to communicate their accessibility requirements.

Communication access card / messages

- Instructions for what the person should do when communicating with them
- Specific accommodations they may need such as extra time; assistance communicating over the phone; assistance with reading or signing documents

Lessons Learned

Specific communication accommodations are required in essential services when communication barriers can have serious consequences.

Examples:

- Healthcare: consent to treatment; capacity assessments; end of life directives
- Police, legal and justice services: disclosures; testifying
- Housing and support services: application; services

Lessons Learned

Communication policies and practices for people with SLDs within essential services to include:

- Process to recognize the need for communication accommodations and supports
- When required, access to a communication disability professional for assessment and provision of communication accommodations, such as:
 - Communication method(s)
 - Strategies to support and validate comprehension
 - Strategies to support retention of information for problem solving in consent situations
 - Strategies to support and authenticate expression of messages

Proposed Protocol for End-of-Life

Effective communication is essential for all patients facing end-of-life decisions. Successful communication is a two-way process in which messages are correctly and unambiguously understood by both the patient and the physician. If there is any question about the communication process as identified by the physician or the patient, then a neutral, independent professional with expertise in the patient's communication needs, must be engaged in order to assess the required communication accommodations and/or to provide direct communication support. Communication accommodations and supports are required if the patient has challenges understanding information provided to them, retaining and weighing-up the consequences of options as part of the decision-making process and accurately and authentically communicating their decision. Communication accommodations include picture or letter boards, speech-output devices, or communication support from a sign language interpreter, Deafblind intervenor, speech language pathologist, language translator or cultural interpreter.

Collier. B., & Self. H. in Vulnerable Persons Standard, 2016.

Communication Accommodations in Consent

Person must demonstrate an understanding of the information given.

Communication accommodations:

- ❑ Everyday language
- ❑ Personalized language
- ❑ Generic strategies that support comprehension
- ❑ Visual aids (Talking Mats; Pictures; Communication Aid for Capacity Evaluation)
- ❑ Specific strategies (Supported conversation for people with aphasia)

Communication Accommodations in Consent

Person must demonstrate an ability to retain the information and an appreciation of the consequences of a decision, alternate decisions or no decision.

Communication Accommodations:

- ▣ Memory and visual aids (notebooks, photos, videos)
- ▣ Dolt! Problem solving model
- ▣ *Describe* the problem / question
- ▣ *Outline* alternatives
- ▣ *Identify* the consequences
- ▣ *Take* action

Communication Accommodations in Consent

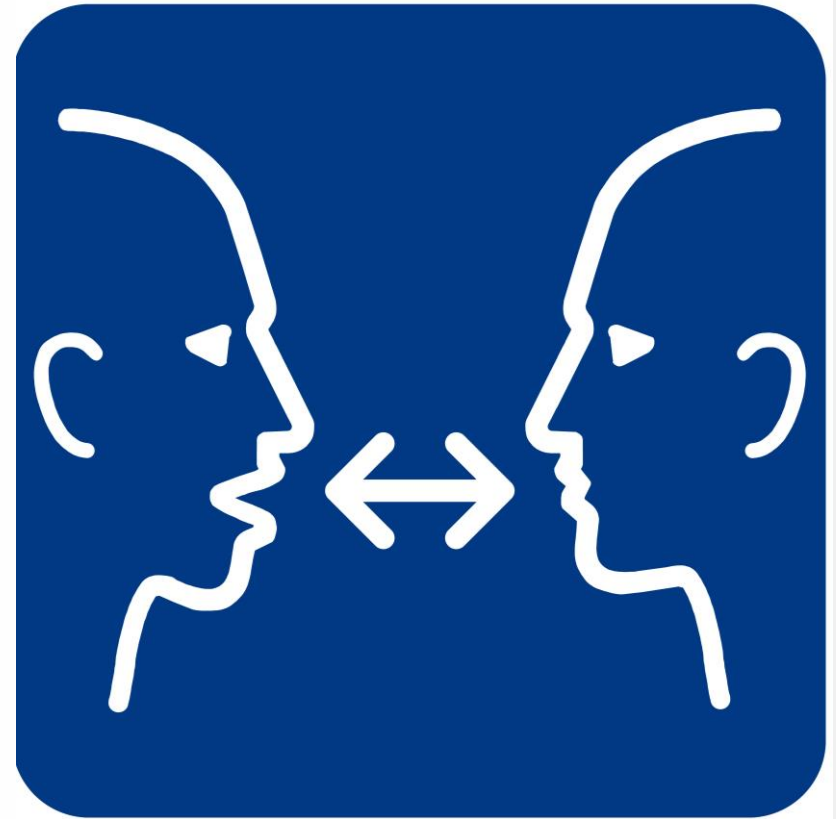
Person must communicate a decision.

Communication accommodations:

- ❑ Appropriate communication methods / vocabularies
- ❑ Ways to select needed vocabulary
- ❑ Communication assistance (echo, reformulate, validate)

Proposed Accommodations in Justice

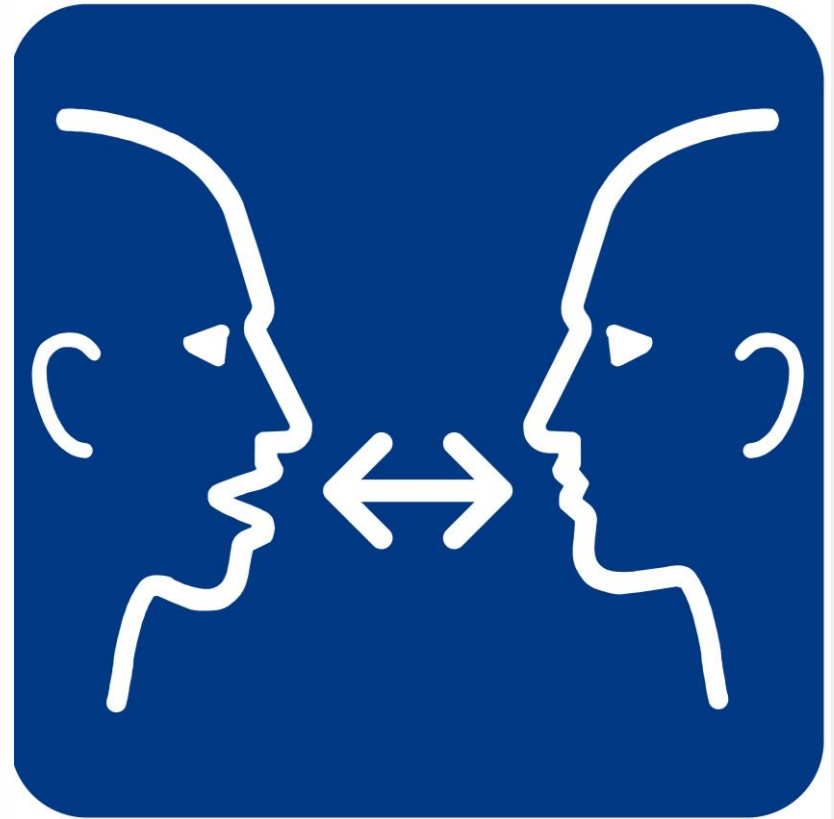
- Speech Language Pathologists as Communication Intermediaries
- Legal and justice situations
- National roster (195)
- Healthlaw; police interviews; civil and criminal courts
- <http://www.access-to-justice.org/>



Engagement

Lack of engagement of communication disability sector

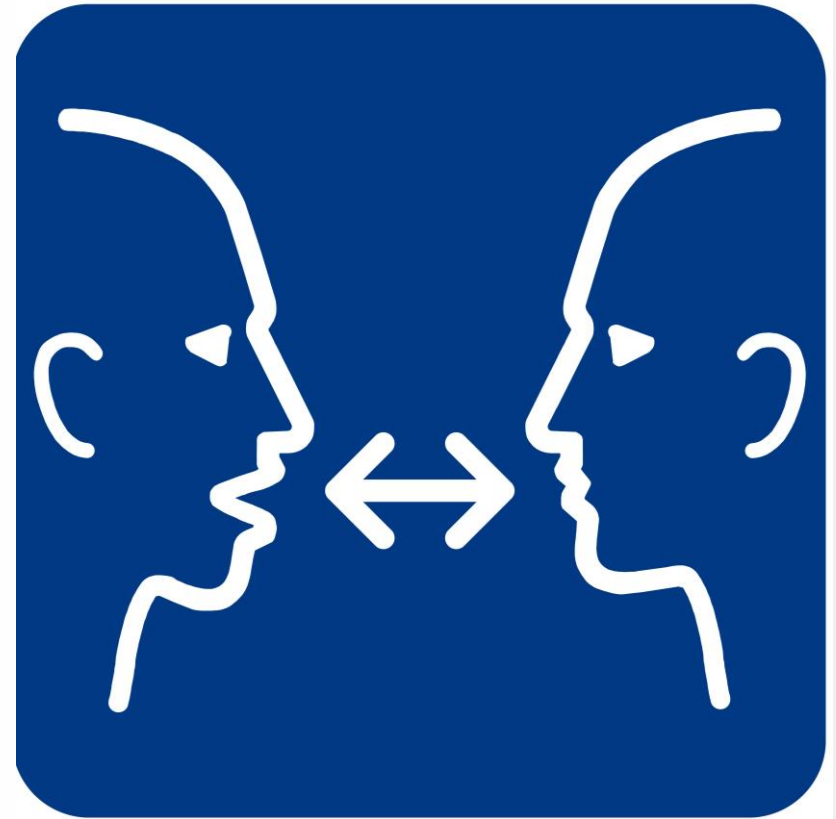
- Accessibility advisory committees
- Public consultations
- Personal perspectives
- Professional input



Communication Professionals

Communication professionals play a significant role in communication access:

- Education
- Provision of accommodations and supports
- Empowering people with SLDs to exercise accessibility rights
- Reporting access accommodations requirements



Resources

www.cdacanada.com

<http://www.communication-access.org>

<http://www.access-to-justice.org>

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Communication Access in the USA

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What Has Been Going On?

- History of Legal Protections
 - Only the 14th Amendment gave broad protections prior to 1973
 - Defining of “substantially limited”
 - Real Life Example – Maryland’s Department of Rehabilitation Services
“Waiting List”
- Educational System
 - 2009 GAO Report on Seclusions and Restraints
 - 2012 GAO Advocating for Better Federal Coordination to Lessen Challenges in the Transition from High School

What Has Been Going On?

- Justice System
 - 50-80% of police officers' encounters are with a person with a disability
 - US Department of Justice cases against police departments involving communication access were almost all from deaf/hard of hearing individuals
 - ada.gov has model policy for law enforcement on how to communicate with deaf and hard of hearing

Are We Protected? National Level

- **The Americans with Disabilities Act (ADA) (1990)**
 - Title II entities (local and state governments) are *required* to give primary consideration to the choice of aid or service requested by the person who has a communication disability. The state or local government must honor the person's choice, unless it can demonstrate that another equally effective means of communication is available. If the choice expressed by the person with a disability would result in an undue burden or a fundamental alteration, the public entity still has an obligation to provide an alternative aid or service that provides effective communication if one is available.
 - Title III entities (places of public accommodation) are *encouraged* to consult with the person with a disability to discuss what aid or service is appropriate. The goal is to provide an aid or service that will be effective, given the nature of what is being communicated and the person's method of communicating.

- **Americans with Disabilities Act Amendments Act of 2008 (ADAAA)**

Are We Protected? National Level

- Section 504 of the Rehabilitation Act of 1973
- Section 255 and Section 251(a)(2) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996
- 29 U.S. Code § 794e - Protection and advocacy of individual rights
- Protection and Advocacy for Assistive Technology (PAAT) Program (Assistive Technology Act of 1998 as amended)

- The Individuals with Disabilities Education Act (IDEA)

- Affordable Care Act
- Joint Commission Regulations

Are We Protected? State/Local Level

Examples – is it enough?

- Maryland § 3–207 Public Safety – requires law enforcement to have “training regarding individuals with physical, intellectual, developmental, and psychiatric disabilities”
- Vermont Communication Support Project - serves people with disabilities whose communication problems prevent them from participating fully in the following judicial proceedings:
 - Divorce
 - Custody
 - Child Support
 - Restraining order
 - Eviction
 - Children in Need of Supervision (CHINS)
 - Termination of Parental Rights (TPR)
 - Probate Court and State Administrative Appeals

<http://www.disabilityrightsvt.org/Programs/csp.html>

What Can We Do?

- Law Enforcement Training
 - Treat all individuals the SAME even if extra assistance is needed
 - US DOJ: *Victims with Disabilities: The Forensic Interview*
<http://www.ovc.gov/publications/infores/pdfxt/VictimsGuideBook.pdf>
 - Push for Autism Training – use it as a model?
 - City of Lynchburg, VA – Trained ENTIRE police force on autism
 - FL Senate Bill 1352 - autism awareness training for law enforcement

More Resources

- National Center on Criminal Justice and Disability – Law Enforcement
<http://www.thearc.org/NCCJD/resources/by-audience/law-enforcement>
- Autism Speaks – Law Enforcement <https://www.autismspeaks.org/family-services/autism-safety-project/first-responders/law-enforcement>

What Can We Do?

More Resources

- State Level Guide: Building Partnerships for the Protection of Persons with Disabilities Initiative uses a prosecution-based multidisciplinary team approach to address abuse committed against persons with disabilities.
<http://www.ovc.gov/pubs/victimswithdisabilities/stateguide/index.html>
- Community Level Guide: Seven-step model developed by SafePlace and replicated by three pilot sites. The adaptable model covers collaboration, needs assessment, strategic planning, outreach, education and training, evaluation, and sustainability.
<http://www.ovc.gov/pubs/victimswithdisabilities/communityguide/index.html>
- Resources By State <http://www.thearc.org/NCCJD/resources/by-state>

What Can We Do?

USSAAC's potential role

- Form an advocacy group focus on incorporating communication access into laws and policies at the national/state/local levels
- Push for regulations – and enforcement of regulations – to hold school staff accountable when abuse occurs; including revoking teaching licenses when convicted of a crime against a student.
- Collaborate with other advocacy groups to incorporate people with speech disabilities into the discussion/training
 - ▣ National Center on Criminal Justice and Disability
- Outreach to US DOJ to develop model policy for law enforcement interaction with people with speech disabilities

What else can we do?



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Helpful Information

ASHA CEUs

<http://www.usaac.org/webinars>

- Free to USSAAC members
- \$25 for non-members. A link to PayPal is available at <http://www.usaac.org/ceu-information>
- Go to website for instructions, participant form and Certificate of Attendance
- Scan and send CEU form to pourand@aslinc.com NO LATER THAN TWO WEEKS from the date of the webinar

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