



Health and Human Services

2016- 2017

Auxiliary Aids Plan for the Deaf and Hard of Hearing



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Auxiliary Aids and Services Plan For the Deaf or Hard-of Hearing

1. General

This plan provides for the implementation of company policy and establishes procedures for the provision of auxiliary aids ensuring accessibility to all programs, services and employment to individuals who are Deaf or Hard of Hearing. The policy and procedures described in this plan apply to all programs administered by the HHS and will meet the requirements of the HHS Settlement Agreement (see Appendix D). Contracted service providers providing direct services to clients or potential clients shall develop a similar plan to ensure compliance with all civil rights laws.

2. Policy

HHS will provide assessment and appropriate auxiliary aids to persons who are Deaf or Hard of Hearing and interpreters to persons with who are Deaf or Hard of Hearing where necessary to afford such persons an equal opportunity to participate in or benefit from programs, services and employment. Examples include internet and taped materials, interpreters, readers, listening devices, television decoders, visual fire alarms using strobe lights, captioned films and other assistive devices for persons who are deaf or hard of hearing. **Persons who are deaf or hard of hearing shall receive reasonable accommodations in accessing services through the use of auxiliary aids and/or qualified interpreters at no cost to themselves.**

a. All qualified and potential clients are entitled to an equal opportunity to use and benefit from the programs and services of the agency and its contracted service providers. This includes reasonable accommodations to ensure that programs and services are equally accessible to and equally effective for otherwise qualified persons with disabilities who have hearing, vision or are Deaf or Hard of Hearing.

b. Auxiliary aids or interpreters will be available for use by clients, potential clients, employees and applicants with impaired sensory, manual or speaking skills in each phase of the service delivery or employment process (e.g. telephone inquiries, requests, intake interviews, employment interviews, term and conditions of employment, service provision, counseling and complaints, etc.).

All employees are responsible for ensuring equal accessibility and equally beneficial services to all clients and potential clients of the department.

3. Definitions:

- **Accommodation to Persons with Disabilities** – It is the obligation of the Agency to make reasonable accommodations for a client, or potential client's physical and mental limitations. Exception: If the accommodation clearly affects the safety and efficiency of the organization or substantially affects costs, the accommodation is not required.
- **ADA/Section 504 Coordinators** – Any individual charged with implementing the requirements of Titles I and II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act, ensuring the provision of auxiliary aids and services for deaf or hard of hearing, limited English proficient customers/clients, and customers with disabilities requiring aid essentials. Within the State of Florida, Department of Children and Families, Civil Rights Officers are designated ADA/Section 504 Coordinators
- **Aid Essential Communication Situation** – Any circumstance in which the importance, length, and complexity of the information being conveyed is such that the exchange of information between parties should be considered Aid-Essential, meaning that the requested auxiliary aid or service is always provided.
- **Americans with Disabilities Act (ADA) of 1990, as amended-** Comprehensive law which prohibits discrimination against people with disabilities in employment (Title 1), in public services (Title II, in public accommodations (Title III) and in telecommunications (Title IV). The ADA amendments of 2008 expanded the scope of the ADA to be consistent the Congressional intent of the original law.
- **Applicant for Services-** A person seeking services from HHS but not yet hired or determined eligible for a program or service.
- **Assistive Listening Devices and Systems (ALDS)** – Term for amplification systems used to improve hearing ability in large areas and in interpersonal communications systems. These systems deliver the desired signal directly to the ears or hearing aids of the listener, thus overcoming the negative effects of noise, distance and echo. Four main types are available: hardwire, loop, infrared and FM radio.
- **Auxiliary Aids and Services-** Includes qualified interpreters or other effective methods of making aurally delivered materials available to individuals who are Deaf or Hard of Hearing; qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments; acquisition or modification of equipment or devices; and other similar services and actions, These auxiliary aids and

services will enable customers/clients to fully benefit from and participate in agency programs and services.

- **Captioning (Closed)** – Refers to converting the spoken word to text displayed in the visual media (videos, television, etc.) in a way that it is available only to individuals whose televisions are equipped with captioning decoders.
- **Captioning (Open)** – Refers to converting the spoken word to text displayed in the visual media (videos, television, etc.) so that it is seen by everyone who watches the film (it cannot be turned off)
- **Captioning (Real Time)** – The simultaneous conversion of spoken words to text, through computer-assisted transcription or court reporting, and displaying that text on a video screen. This communication service is beneficial to individuals who are Deaf or Hard of Hearing that do not use sign language or for whom assistive listening devices and systems are ineffective.
- **Certified Interpreter** - A person who is certified by the National Registry of Interpreters for the Deaf or other national or state interpreter assessment and certification program.
- **Civil Rights Officer** – Employee responsible for investigations, compliance monitoring and review, technical assistance, and coordination of civil rights activities.
- **Client** – As used in this plan, this term means anyone applying for or participating in the employment process, program services or activities of the agency. It includes persons making general inquiries or in any way seeking to access to or receiving information from our agency, either in person, in writing or via telecommunications. A client may also be referred to as a customer.
- **Companion** – Any individual who is deaf or hard-of hearing and is one of the following:
 - a person whom the Customer indicates should communicate with the agency about the Customer, such as a person who participates in any treatment decision, a person who plays a role in communicating the Customer's needs, condition, history, or symptoms to the agency or a person who helps the Customer act on the information, advice, or instructions provided by the agency; (b) a person legally authorized to make healthcare or legal decisions on behalf of the Customer; or (c) such person with whom the agency would ordinarily and regularly communicate about the Customer.
- **Compliance Monitoring** – A method used to assess compliance with nondiscrimination laws as they apply to DCF programs, activities,

subcontracted services providers, subcontractors, and/or community based care providers. Monitoring will be conducted on-site or through desk audits.

- **Compliance Review** – A method used to ensure compliance with all civil rights regulations as they apply to DCF programs, its contracted service providers and subcontractors. The compliance review is an on-site review and may be large and complex addressing multiple issues (full scope review) or may address fewer issues (limited scope review).
- **Contracted Service Provider** - Any public, private or nonprofit agency or corporation that has entered into a contractual agreement with DCF to provide services directly to the public.
- **Customer Feedback Form** – A form used by the agency to collect data on the effectiveness and appropriateness of the auxiliary aid or service provided and the performance of the interpreter.
- **Customer or Customers** – Any individual who is seeking or receiving services from the agency. A customer may also be referred to as “client or customers/clients”.
- **Customer/Companion Communication Assessment and Auxiliary Aid/Service Record** – A record of appropriate auxiliary aids and services provided. Used in completing a communication assessment for customers/clients or companions.
- **DCF or Department** – Florida Department of Children and Families.
- **Disability** – A condition that substantially limits a major life activity, such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, lifting, sleeping, and working.
- **Dual Sensory Impairment** – A term used to describe a person having both a vision loss and are Deaf or Hard of Hearing. The term includes all ranges of loss, which would necessitate the use of auxiliary aids and services for communication.
- **Employee** – All persons working for the agency.
- **Florida Relay Service** – The Florida Relay Service (FRS) which was implemented in 1992, is a service offered to all persons in the state which enables a hearing person to communicate with a person who is deaf or hard of hearing and must use a TT/TTY, through a specially trained operator called a communications assistant.

- **Deaf or Hard of Hearing Person** – A deaf or hard of hearing person defined as follows:
 - **Deaf Person**– An individual who has suffered a permanent hearing loss and is unable to discriminate speech sounds in verbal communication, with or without the assistance of amplification devices.
 - **Hard of Hearing Person** – An individual who has suffered a permanent hearing loss, which is severe enough to necessitate the use of amplification devices to discriminate speech sounds in verbal communication.

- **Local Auxiliary Aids and Services Plan** – Any policy or procedure developed in addition to or as a supplement of the DCF statewide policies and procedures to ensure effective communication for deaf or hard-of-hearing customers or companions that is limited to a specific geographic area within the state.

- **Medical Concerns** – The agency may not use an electronic device or equipment constituting an appropriate auxiliary aid or service when or where its use may interfere with medical or monitoring equipment or may otherwise constitute a threat to any customer’s medical condition. The agency shall provide alternative means to ensure effective communication with the customer and document the same in the customer’s medical chart or case file.

- **Non-Aid-Essential Communication Situation** – A situation where the agency is provided flexibility in its choice of an appropriate auxiliary/accessibility aid or service for deaf or hard-of-hearing customers/clients or companions.

- **Program Accessibility** – An ADA standard which means a public entity’s program, services, or activities, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities. The concept of program accessibility is intended to make the contents of the program, service or activity equally available and accessible to persons with disabilities without excessive renovations of facilities.

- **Qualified Interpreter, Sign Language Interpreter, Oral Interpreter or Interpreter for the Deaf or Hard-of-Hearing** – A person who is able to interpret competently, accurately, impartially and effectively, both receptively and expressively, using any specialized terminology necessary for effective communication with a deaf or hard-of hearing customer or companion. Not all interpreters are qualified for all situations. For example, an interpreter who is qualified to interpret using American Sign Language is not necessarily qualified to interpret orally. In addition, someone who has rudimentary familiarity with sign language or finger spelling is not a qualified sign language

interpreter. Likewise, someone who is fluent in sign language but who does not possess the ability to process spoken communication into proper signs or to observe someone else signing and change their signed or finger-spelled communication into spoken words is not a qualified sign language interpreter. The ADA defines a “qualified interpreter” as a person who is able to interpret effectively, accurately, and impartially both receptively (i.e., can understand what both persons in the conversation are signing and saying) and expressively (i.e., can then sign or say to the other person what it is being said or signed), using any necessary specialized vocabulary. A “qualified interpreter” may include a “relay interpreter” who has special skills and training in acting as an intermediary between a customer or companion and a sign language interpreter in instances when the interpreter cannot otherwise independently understand the customer’s or companion’s primary mode of communication.

- **Section 504 of the Rehabilitation Act of 1973** – Federal law prohibiting discrimination on the basis of disability in federally assisted programs and activities.
- **Single –Point-of-Contact** – The individual designated to coordinate the provision of auxiliary aids and services to deaf or hard-of-hearing customers or companions according to their obligations under Section 504 and/or the ADA.
- **Subcontractor** – Any individual, organization, or agency providing service to customers/clients on behalf of a primary contracted service provider. A subcontractor may also be referred to as a “sub-recipient”.
- **TTY (Teletypewriter) or TDD (Telecommunications Device for Deaf Person)** – Devices that are used with a telephone to communicate with persons who are deaf or hard-of hearing or who have speech impairments by typing and reading communications.
- **US Department of Health and Human Services (HHS) – Office for Civil Rights -**
- The federal agency responsible for DCF compliance with federal regulations including but not limited to Title VI of the Civil Right Act of 1964, as amended, Title IX, Section 504, the Age Discrimination Act of 1978 and the Omnibus Budget Reconciliation Act of 1981, as amended.

4. Procedure

The following procedures are to be followed by employees to ensure effective communication, accessibility of programs and services to clients or potential clients who are deaf or hard-of-hearing. Aid-essential communication situations and non-aid essential communication situations determination will be made. An aid-essential communication situation is any situation where communication with the client or

companion is deemed to be of such importance, length, or complexity as to mandate the agency's provision of the specific auxiliary aid or service requested by the client or companion in all circumstances. The agency does not have discretion in what auxiliary aids or services will be provided in these situations. In non-aid essential communication situations, the agency retains the flexibility in its choice of an appropriate aid or service.

- a. Staff will consult with the individual customers or companions wherever possible to determine what type of auxiliary aid or service is needed to ensure effective communication. Methods include, but are not limited to, certified sign language interpreters, qualified sign language interpreters, written messages, finger spelling, and video interpretation.
- b. A communication assessment and auxiliary aid/service record will be used at all points of contact with customers or companions who are deaf or hard-of-hearing. An assessment of client, employee or applicant communication challenges, ability and complexity of the situation will be conducted and documented. Client needs will include consulting with the individual concerning his or her preferred communication mode and if applicable with assigned caseworkers, counselors, parents, family members, guardians or other agency representatives. Prior to the use of a customer's/client's or companion's family member, close friend, or job associate to act as an interpreter, a client's waiver must be documented. Due to privacy and confidentiality concerns, potential emotional involvement, and other factors that may adversely affect the ability to facilitate communication, agency staff shall never require or coerce a family member, advocate or friend of a deaf or hard-of-hearing customer or companion to interpret or facilitate communication between agency staff and such customer except in time-sensitive, life-threatening situations. *The use of a minor as an interpreter is prohibited.* A communication plan for foreseeable multiple long-term visits may be completed.
- c. If the situation is an emergency, as soon as staff have determined that a qualified interpreter is necessary for effective communications with a deaf or hard-of-hearing customer or companion, staff should inform them of the status of the efforts to secure a qualified interpreter on his or her behalf and the estimated wait until the interpreter will arrive. If not an emergency, staff shall offer to schedule an appointment (and provide an interpreter when necessary) as is convenient to the customer or companion no later than the next business day. For all scheduled appointments, a qualified interpreter must be available. If the interpreter fails to appear, staff shall take whatever additional actions are necessary to make a qualified interpreter available as soon as possible but no later than two (2) hours after the scheduled appointment.
- d. Staff will report all contact with deaf or hard of hearing clients and companions to the assigned agency Single Point of Contact (SPOC). The SPOC will provide specific reporting data on a monthly basis to the DCF Contract Manager and others as requested.

- a. Client grievance and complaint resolution procedures will be supplied to all clients. A customer feedback form will be utilized to assist in evaluating and improving services.

5. Resources /Training

Auxiliary aids will normally be obtained within the agency's current resources. Staff will be trained on how to assist deaf or hard of hearing persons and agency policy and procedures. Resources available to the agency can be found on the following appendixes:

- Appendix A- Instructions on in-person communication skills for staff that may interact with individuals who are deaf or hard-of-hearing.
- Appendix B- HHS Multilingual Directory is a list of staff that may be used as interpreters or translators in certain situations.
- Appendix C-Private Sector Certified Translators & Interpreter listing; Interpreter Qualifications and Interpreter Ethics
- Appendix D- Provision of interpreter services for clients who are deaf or head of hearing

6. Notification

The agency will post auxiliary aid availability and non-discrimination poster(s) in the buildings reception and/or lobby areas and in publications, meeting notices, etc. used for public notification.

7. Monitoring

QA monitoring will take place each program year for senior management review.

Agency CEO

Agency Civil Rights Officer

APPENDIX A

1. INTERACTING WITH INDIVIDUALS WHO ARE DEAF

Deaf individuals have many different communication needs. People who were born deaf (pre-lingual deaf) may have more difficulty with speech than those who lost their hearing after they learned a language (post-lingual deaf). The way a person communicates will vary according to the environment in which he or she was raised, type of education received, level of education achieved and many other factors. Their ability to communicate in a language will vary from not very well to very well.

Some individuals use American Sign Language (ASL) or other sign language; some read lips and speak as their primary means of communication; some use Signed Exact English (SEE), where every word is signed in the exact sequence it is spoken in English, and there is a vocabulary which has a one-to-one relationship to English words. People who became deaf later in life may never have learned either sign language or lip-reading. Although they may pick up some sign and try their best to read lips, their primary means of communicating may be reading or writing.

Lip reading ability varies greatly from person to person and from situation to situation. It is greatly hindered by people who do not enunciate clearly, have mustaches shielding the lips, do not look directly at the person, or who speak with accents that affect the way the words appear on the lips. Therefore, when speaking with a person who reads lips, look directly at the person while speaking, make sure you are in a good light source, and keep your hands, gum and food away from your mouth while you are speaking.

When to use interpreters: Since communication is vital in the workplace and in service delivery, and the person who is deaf knows how he or she communicates best, supervisors and staff should follow the wishes of the person who is deaf regarding communication methods.

In casual situations and during initial contact, it is often acceptable to write notes to determine what the person needs. However, agency policy is to use an interpreter for service delivery. The need for a more skilled interpreter depends on the complexity and importance of the information being communicated, but also on the ability of the interpreter to translate the particular sign language used by the individual, and the speed.

2. INTERACTING WITH INDIVIDUALS WHO ARE HARD OF HEARING

Persons who are hard of hearing may or may not know how to sign, and their means of communication will depend on the degree of hearing loss, when they became hard of hearing, etc. A person who is hard of hearing may or may not wear a hearing aid. Employees should be aware that many hard of hearing people will not

admit having a hearing loss, so it is important employees be alerted to the sign of hearing loss:

The person asks you to repeat yourself several times; and

The person does not respond appropriately, especially if you have been talking with your back to them.

The key to communication with a person who is Deaf or Hard of Hearing -as with all people-is patience and sensitivity. Please use the following guidelines:

Ask the person how he or she prefers to communicate.

If you are using an interpreter, the interpreter may lag a few moments behind what is being said, so pause occasionally to allow time for a complete translation.

Talk directly to the person, not the interpreter. However, the person will look at the interpreter and may not make continuous eye contact with you during the conversation.

Before you speak, make sure you have the attention of the person you are addressing.

If you know any sign language, try using it. It may help you communicate and at least demonstrates your interest in communicating and willingness to try.

Speak clearly and distinctly at a moderate pace in a normal tone of voice, unless asked to raise your voice. Do not shout or exaggerate your words.

Look directly at the person. Most people who are Deaf or Hard of Hearing need to watch a person's face to help them understand what is being said. Do not turn your back or walk around while talking. If you look away, the person may assume the conversation is over.

Do not put obstacles in front of your face.

Do not have objects in your mouth such as gum, cigarettes, or food.

Do not turn to another person in their presence to discuss them and their problems.

Write notes back and forth or use a computer, if feasible.

Use facial expressions and gestures.

Do not talk while writing, as the person cannot read your note and attempt to read your lips at the same time.

Offer to provide an assistive listening device.

If the person has a service animal, such as a dog, do not divert the animal's attention. Do not pet or speak to the animal unless the owner has given you permission.

3. INTERACTING WITH INDIVIDUALS WITH SPEECH DISORDERS

Be tolerant and sensitive to persons with speech disorders. Please use the following guidelines:

Give the person you undivided attention.

If you have trouble understanding someone's speech, ask him or her to repeat what he or she has said. It is better for the person to know you do not understand than to assume that you do.

Do not simplify your own speech or raise your voice. Speak in a normal tone.

Write notes back and forth or use a computer, if feasible.

Ask for help in communicating. If the person uses a communicating device, such as a manual or electronic communication board, ask the person how to use it.

4. INTERACTING WITH INDIVIDUALS WITH DUAL SENSORY LOSS

The means of communication with a person with dual sensory impairments will depend on the degree of hearing and vision loss. Use all of the suggestions in the above sections on hard of hearing. The person with dual sensory loss has unique and very challenging communications needs. Staff is to use every possible means of communication available.

APPENDIX B

HHS Multilingual Staff Directory (As of 10/1/16)

Dept.	Language	Name	Position	Phone	Proficiency	KSA
FIP	Spanish	Sylvia Espinosa-Velez	Fed. Funding Specialist	209-6090	Fluent	spk/read
FIP	Spanish	Claudia Sheremeta	Adoption Specialist	209-6109	Fluent	spk/read
FIP	Spanish	Jessica Watkins	DCM	209-6093	Basic	spk/read
FIP	Italian	Anna Taylor	DCM	209-6118	Fluent	spk/read
FIP	ASL	Schquana Lewis	Admin. Asst.	209-6116	Basic	Sign
FIP	ASL	Joyce Meyerpeter	Admin. Asst.	209-6131	Basic	Sign
FIP	Hungarian	Zsuzsa Kormendy	DCM	209-6086	Fluent	spk/read
FIP	French	Heather Craig	Driver	209-6098	Basic	spk/read
SS	German	Kerstin Atkins	Case Specialist	209-6148	Fluent	spk/read

APPENDIX C

Private Sector Translator & Interpreter Services

Primary:

Signs of Interpreting
(904) 207-0290

Meiching@signsofinterpreting.com

Agape Interpreting Services
(904) 797-2020

DiAndria@AgapeInterpreting.com

First Coast Interpreting and Translations, Inc.
(904) 721- 9139

scheduling@firstcoastinterpreting.com

Jorge Luis Rivera
(904) 315-9926

rocketapache@yahoo.com

Language Line Services
1-866-874-3972

www.languageline.com

International Languages Services, Inc.
(904) 565-1205

Interpreter Qualifications:

In the field of sign language interpreting, as in other professions, appropriate credentials are an important indicator of an interpreter's qualifications. Certification is awarded to interpreters who successfully pass national tests. These tests assess not only language knowledge and communication skills, but also knowledge and judgment on issues of ethics, culture and professionalism. An interpreter may hold one or more certifications. Some common sign language interpreting certifications are:

Registry of Interpreters for the Deaf (RID)
CI-Certification of Interpretation
CT-Certificate of Transliteration
CDI-Certified Deaf Interpreter

OTC-Oral Transliterating Certificate
Legal SC: L-Specialist Certificate

National Association of the Deaf (NAD)
NAD Level III-Generalist
NAD Level IV-Advanced
NAD Level V- Master

Staff should always verify an interpreter's credentials and certification prior to engaging in the service with the client.

Interpreter Ethics

Professional interpreters adhere to the RID code of ethics which holds interpreters to a high level of professionalism in matters of interpretation and business practices. RID, along with the National Association of the Deaf (NAD), co-authored the ethical code of conduct for interpreters.

APPENDIX D
**PROVISION OF INTERPRETER SERVICES
FOR CLIENTS WHO ARE DEAF OR HARD OF HEARING**

The Agency will provide appropriate interpreter services to persons who are deaf or hard of hearing. Please follow the following instructions and document.

Staff Responsibilities

When a person, who is deaf or hard of hearing, contacts the agency for services, staff will make a determination of need, by written communication if necessary, of a sign language interpreter. If the person, who is deaf or hard of hearing, needs an interpreter:

Explain that it will take at least 2 hours to make the required arrangements.

Obtain necessary information to contact client for confirmation of scheduled appointment with interpreter.

Where applicable, ask applicant/client to sign application in order to preserve day of application.

Immediately notify the supervisor or the need of an interpreter. Document THE client's refusal of interpreter, if necessary.

Staff should verify an interpreter's certification by asking the interpreter to see a copy of the certification, prior to beginning utilizing their services for a client.

If an auxiliary aid is found to be ineffective, the staff should immediately determine which mode of communication with the client the client would then prefer. The staff should be well versed in other auxiliary aids communication options and offer these options to the client, so that the client can have all the information available to make the choice. Staff should continue to work with the client to determine the best mode of communication. Documentation shall be made in the client's file regarding the attempt to improve the effectiveness of auxiliary aids and services.

Supervisory Responsibilities

Check Appendix B of this document to secure the services of any agency employee available to provide interpreter services for a person who is deaf or hard of hearing.

If no employee is available, the supervisor or designee shall immediately contact the SPOC for the agency who will make provisions for services through agencies listed below to secure the services of a qualified interpreter:

**Signs of Interpreting
Agape Interpreting Services**

**(904) 207-0290
(904) 797-2020**

The supervisor or designee is to secure an appointment with a qualified interpreter within a period that will not cause unreasonable delay, impede or deny services to the applicant or client.

The supervisor is responsible for forwarding the bills to the finance department for payment. Interpreter services cost is considered an expense where the service can be identified as occurring on behalf of a specific client or applicant.

Denied Auxiliary Requests

Documentation, with supporting justification, must be made if any request was not honored. The HHS Director is the only person that can deny auxiliary aid requests made by a client or companion. If a staff person is not familiar with an auxiliary aid request, please contact the SPOC for information as well as ask the client for any information that you may need to secure this aid, but reiterate that the cost of any auxiliary aid is the responsibility of the agency and not the participant. The staff should work with the client and the HHS Director to determine the best auxiliary aid to utilize to ensure appropriate communication services.

Use of Volunteers

Staff will use volunteers only as long as the volunteer's skill level is fluent on an emergency or limited basis.

Telecommunication Devices (TDD/TTY)

Telecommunication Device for the Deaf (TDD) is a generic term encompassing various types of equipment that allow communication via typed messages instead of spoken conversation. One limitation on the use of a TDD is that there must be a machine at each end of the conversation.

Staff is to call Florida Relay Service at 1-800-955-8770 (voice) or 1-800-955-8771 (TDD) for communicating with a person who is deaf or hard of hearing or speech impaired and must use a TDD/TTY.

Assisted Listening Device(s)

PocketTalker ALD will be available for use if requested. HHS will be responsible for locating and supplying the ALD.