

NEVADA COMMISSION FOR PERSONS WHO ARE DEAF AND HARD OF HEARING

(DRAFT) Position on Public Accommodations for People who are Deaf/Hard of Hearing

Public accommodations refer to facilities, services, and spaces that are open to the general public, such as restaurants, hotels, theaters, and hospitals. Historically, access to public accommodations has been a critical issue in civil rights movements. The Civil Rights Act of 1964 marked a turning point by prohibiting discrimination in public spaces based on race, color, religion, or national origin. The Americans with Disabilities Act (ADA) of 1990 further expanded these protections, requiring businesses and public entities to provide reasonable accommodations for individuals with disabilities, including those who are deaf and hard of hearing. Despite these legal advancements, barriers to full accessibility remain, necessitating continued advocacy and policy improvements to ensure equitable access for all individuals.

The Nevada Commission for Persons who are Deaf and Hard of Hearing is committed to ensuring equal access and full participation for all individuals, regardless of their hearing status. Public accommodations must prioritize accessibility through effective communication, particularly in essential areas such as public spaces and healthcare settings.

Captioning in Public Spaces

Access to information is a fundamental right, and captioning plays a crucial role in ensuring that individuals who are deaf and hard of hearing can fully engage in public life. The Commission supports the following measures:

- Mandating open or closed captioning on all televisions and digital displays in public spaces such as airports, restaurants, bars, gyms, and government buildings.
- Ensuring real-time captioning services for public meetings, conferences, and events.
- Requiring compliance with the Americans with Disabilities Act (ADA) by businesses and public entities to provide captioning upon request.
- Encouraging state and local governments to implement policies that support the integration of captioning in all public communication systems.

Video Remote Interpreting (VRI) in Hospitals

Effective communication in healthcare settings is critical for ensuring patient safety, informed decision-making, and equitable healthcare access for individuals who are deaf and hard of hearing. While Video Remote Interpreting (VRI) can be a valuable tool, its implementation must meet quality standards to be effective. The Commission supports:

- Requiring hospitals and medical facilities to provide on-site qualified American Sign Language (ASL) interpreters when necessary and not rely solely on VRI.
- Ensuring that VRI services meet the following minimum standards:
 - High-speed, high-quality video connections without delays, buffering, or technical issues.
 - Clear audio and visual resolution that allows for accurate ASL interpretation.
 - Training for hospital staff on the proper use of VRI equipment and awareness of when in-person interpreters are required.

- Developing state guidelines to ensure VRI is only used when appropriate and does not replace in-person interpreters in critical medical situations, such as emergencies, childbirth, or mental health crises.

Policy Recommendations:

To further support accessibility and equity for individuals who are deaf and hard of hearing, the Commission recommends the following policy actions:

1. **Legislative Mandates:** Enact state laws requiring businesses and public institutions to provide captioning and effective communication accommodations.
2. **Funding Support:** Establish grant programs to assist small businesses and medical facilities in acquiring captioning technology and high-quality VRI services.
3. **Enforcement Mechanisms:** Strengthen penalties for non-compliance with accessibility requirements and create an oversight body to ensure adherence.
4. **Public Awareness Campaigns:** Launch statewide initiatives to educate businesses, healthcare providers, and the general public on the importance of captioning and ASL interpretation services.
5. **Training and Certification:** Require mandatory training for public service employees and medical personnel on working with individuals who are deaf and hard of hearing, as well as proper VRI usage.
6. **Data Collection and Reporting:** Implement systems to track complaints and accessibility issues related to captioning and VRI, using the data to inform future policy decisions.

Proposed Next Steps (Call to Action): To advance accessibility for individuals who are deaf and hard of hearing, the Nevada Commission for Persons who are Deaf and Hard of Hearing urges the following immediate actions:

- **Engage Policymakers:** Advocate for legislative changes that mandate captioning in public spaces and enforce minimum standards for VRI services in hospitals.
- **Collaborate with Businesses and Healthcare Providers:** Partner with industry leaders to implement best practices and compliance strategies for accessibility improvements.
- **Increase Public Awareness:** Launch educational campaigns to inform the public about the importance of accessibility and the rights of individuals who are deaf and hard of hearing.
- **Monitor and Report Compliance:** Establish a reporting system for individuals to submit complaints about accessibility violations and use the data to drive future policy efforts.
- **Secure Funding and Resources:** Work with state and federal agencies to allocate funding for accessibility initiatives, including grants for small businesses and healthcare facilities to upgrade their services.

Conclusion: Public accommodations must be inclusive and accessible for individuals who are deaf and hard of hearing. The Nevada Commission for Persons who are Deaf and Hard of Hearing advocates for policies that uphold communication access, ensuring that captioning in public spaces and VRI services in hospitals are implemented effectively and equitably. The Commission urges policymakers, businesses, and healthcare providers to take necessary actions to remove barriers and promote equal access for all Nevadans.