

## **Did You Hear Me? Ensuring Effective Communication with Your Customers**

Good day ladies and gentlemen and welcome to Did You Hear Me? Ensuring Effective Communication with Your Customers. At this time all lines are in the listen only mode. Later, we will conduct a question and answer session and instructions will be given at that time. Anyone should require assistance throughout the conference, you may press star and then zero on your touch tone telephone. As a reminder, today's conference may be recorded. I would now like to turn the conference over to your host today. Peter Berg, coordinator of technical assistance at the Great Lakes Americans with Disabilities Act (ADA) Center. Please begin.

PETER BERG

Thank you very much, Sean. Hello and welcome to everyone joining us for the November ADA Audio Conference session. As Sean mentioned, my name is Peter Berg with the Great Lakes ADA Center. The ADA Audio Conference Series is a project of the ADA National Network which is coordinated by the Great Lakes ADA Center. The ADA National Network is funded by the United States (US) Department of Education, National Institute on Disability Rehabilitation and Research, NIDRR. We have people joining us today by telephone and we also have individuals participating through our online webinar series. Participants should have been able to download today's presentation in advance and folks that are joining us in the webinar room are able to follow along with the PowerPoint presentation.

So I am going to go ahead to slide 2 and just to go over some items for the participants that are joining us through the online webinar system. Individuals needing to use the captioning feature within the webinar platform can click the CC icon located at the top of the screen and that will open up the captioning. You are also able to customize your view within the webinar platform, select the view from the drop-down menu and you can select the view that you wish.

Even though in the webinar platform right now, you are unable to see the chat area, you are still able to submit questions. You can do that by clicking on the chat area or by the keystroke function control M and you could submit your question that way. Folks on telephone now we will not--do not forget about you. We will give instructions later on how you can ask questions at the end of today's presentation. And finally for our online participants, we ask that you refrain from using the motion icons unless directed to do so by today's presenter. Using the hand raising and waiving features can be distracting to the speaker and to participants within the session.

And then finally on slide 3, today's presenter will be asking some questions going through some scenarios and we will be doing some polling. While the polling will only be available for our participants online, we do encourage those of you participating by telephone, if you are in a group setting to go ahead and discuss the scenarios that our speakers are going to be laying out for you and discussing the possible answers for those questions. And even if you are participating by yourself in your office, go ahead and shout out your answer. For those of you

within the webinar room, when we get to the questions to select A, B or C, simply click on A, B or C and those are located beneath the list of participants. For individuals using assistive technology or to be able to use a keystroke short cut, to select A is control 1, to select B, you will use control 2, to select C, you will use control 3. And then for some of the questions it asks, there will be yes and no answers.

So again, you can simply click on yes or no and that will be below the participant list or to use the keyboard, keystroke, to select yes it will be control 1, to select no it will be control 2. Alright, now to move on to today's presentation, Did you hear me? Ensuring effective communication with your customers. Our presenter today is Cheri Hoffman. Cheri is the Distance Learning Coordinator and ADA Information Specialist with the Southwest ADA Center. To view Cheri's entire bio, you can view that on the ADA audio website. And with that, I will turn it over to Cheri.

#### CHERI HOFFMAN

Well, good afternoon everyone. This is Cheri and I am actually presenting to you from the Southeast Region in Sunny Florida and which it is sunny today. And to ensure effective communication with me, all of you give me a big smile right now and I will know that I am in a happy place. This presentation, what is effective communication or ensuring effective communication with your customers. Some of them will be technical in nature but I will be covering quite a bit of it as we go along, so please jot down your questions along the way and if you have something that is really pressing, let the moderators know.

So let us start with just the very beginning, what is effective communication? Well simply put, effective communication means that whatever is written or spoken must be as clear and understandable to people with disabilities as it is for people who do not have disabilities. So in general, businesses, state and local government must ensure effective communication for people with disabilities with the provision of auxiliary aids and services, which are key to the use of effective communication for people who are deaf, hard to hearing or blind. So that is not so new, to some people it might be but it is not the new part. This is just one of the things that I would like to talk about that I consider important when we are talking about effective communication because so often, it is very much misunderstood. For some of you, I may be preaching to the choir but there is a difference between effective communication for Titles II and III of the ADA. In Title II, a public entity is required to take appropriate steps to ensure a communication for people with disabilities. They need to do this and make sure they are as effective as communications with others. So the key phrase and the critical phrase there is "as effective" and then the public entity shall furnish appropriate auxiliary aids and services where necessary to afford a person with a disability equal opportunity to participate in, enjoy the benefits of a service, program or activity conducted by a public entity. Now that is Title II and I know that sounds very technical in nature but I am going to break it down along the way here and of course Title II would be your state and local governments and that would be like for voting and going for you--to your local unemployment offices or to the courthouse. Now places of public accommodation, you know, such as hotels and Wal-Mart's and basically your insurance agent or you attorney. They are require to ensure that customers or clients with

disabilities affected by the hearing, vision or speech are provided with effective communication through auxiliary aids and services that enable them to fully benefit from the facilities, services, goods and programs. So a place of public accommodation is not required to provide any auxiliary aid or service if doing so would fundamentally alter the operation of their business. Meaning alter the essential nature of the goods, services, facilities, privileges, advantages or the accommodations offered. Once again, very technical in nature, you need to know this language. However, we will break it down along the way. And another one other thing that they would not need to offer effective communication and providing it with the communication aids or the services would result in an undue burden which is normally a significant difficulty or expense.

So for the pauses, please excuse me because I am working between two screens. Effective communication, how is communication with individuals with disabilities different from communication with people without disabilities. So for most individuals with disabilities, there is no difference but people who have disabilities that affect hearing, seeing and speaking or understanding may use different ways to communicate with people who do not.

Providing equal access with auxiliary aids and services: Now, we are going to get into some of the breakdowns here. There are many ways that you can provide equal access to communications for people with disabilities. Title II and Title III, the ADA require government entities and businesses to make the appropriate auxiliary aids and services available to ensure the effective communication. You also must take--must make information about the location of the accessible services and the activities and facilities in a format that is accessible to people who are deaf and hard to hearing or those who are blind or have low vision. For instance today's program, the offerings that they have to make this program actually accessible to people who are deaf and hard to hearing and blind. Generally the requirement to provide an auxiliary aid or service is triggered when a person with a disability request it.

So in determining what type of auxiliary aids and services are necessary, a public entity shall give primary consideration to the request of the person with the disability. Honor the choice of the person with the disability is what I said earlier for the Title II. For Title III entities, they have the general requirement which is set out in the ADA that a public accommodation take those steps that may be necessary to ensure that the individual with the disability is not denied service, excluded, segregated or otherwise treated differently because of the absence of auxiliary aids and service unless of course we go back to the fundamental alteration or undue burden.

But Title III entities are not required to give the primary consideration to the request of the individual. I bring this up because Department of Justice (DOJ) gets a lot of comments from people who really wanted them to put the primary consideration into the Title III obligation as it is in the Title II. But they said they could not and the reason they could not is because congress did not give them that authority. In legislative history, primary consideration was given to Congress to request the individual with disabilities in Title II but not Title III. But what Congress did do in the legislative history is urge public accommodations to consult with the

people with disabilities, and I think that is a good move on their part. The people with disabilities knows what is going to be more effective for themselves and we do not want to deny what might be more effective for them unless we can go back to the fundamental alteration of the undue burden clause.

So the Department of Justice found that it was not really working with the public accommodations so they imported some of that language into the new regulations. It had been in the preamble but it is now--it is in the regulation text. So specifically that a public accommodation should consult with the person with the disability whenever it is possible to determine the type of auxiliary aid that is needed to ensure the effective communication. And I say this because you cannot just assume that a person who is deaf uses American Sign Language as their primary auxiliary aid or service. They may have grown up in a home where they were not--they did not use sign language. So the primary consideration will be on that person. You do not want to say, quick, hurry up, get an interpreter because I have somebody in here who is deaf. You somehow need to be able to get the communication with the individual to find out what they need.

The next few slides will be the very technical entire definition of what an auxiliary aid and service is and what it is defined as and I am going to talk about what is bolded or underscored because it is new. The rest of it has not changed but it is important for any of you that are providing any of these services for your customers or consumers that you understand that there are some new areas within the ADA that need to go over. First on this slide are qualified interpreters.

The Department of Justice provided a definition of qualified interpreters to include and this is bolded and underscored on site qualified interpreters or through Video Remote Interpreting services, for better purposes VRI. In the notice of proposed rulemaking, the Department of Justice referred to VRI as VRS because they had a lot of comments that came in saying that its VRI is the term that they should use. It is now the term that is used, the Department of Justice changed it based on the comments and it is also the term that is used with the Federal Communications Commission (FCC), the Federal Communications Commission.

The next part of the slide talks about real-time computer-aided transcription services and the real-time computer-aided is bolded and underscored. The Department of Justice also added qualified to transcription services that the transcription service be Real Time Computer Aided Transcription which most people call CART services. They did not--they did that to recognize and address the importance of the--of simultaneously providing this information in an accessible manner.

They also added--and which was pulled from the preamble explicit references to auxiliary aid as the exchange of written notes and this is underscored and bolded. And the reason I am telling you what is underscored and bolded is for those of you that absolutely do not have the PowerPoint in front of you and are not viewing it on a screen out through the webinar. Though the Department of Justice realized in some of their investigations that covered entities

did not realize that were certain instances where the exchange of written notes would be sufficient such as going to buy a gift in a hospital shop or ordering something from a restaurant. You do not need the more enhanced auxiliary aids and services that what might be necessary in those services. And I know again that I might be preaching to the choir but those of you that run a hospital gift shop and somebody's comes in and says they need an interpreter there, it is good for you to know that that might not be an auxiliary aid or service that you would need to provide unless they were purchasing the store from you and you were going to have some legal transaction.

So, auxiliary aid and services, we will continue with this definition and we will continue with what is bolded. The actual slide says auxiliary aids and services included telephone, handset, amplifiers, assistive listening devices, assistive listening systems, telephone compatible with hearing aid, closed caption decoders, open and closed caption and underscored and bolded including real-time captioning. Again, the only thing that is new on this slide is the modification for open and closed captioning. The Department of Justice included that-- included the qualifier that included real-time captioning and that again is to recognize and stress the importance of simultaneous communication. And if you are taking notes and have questions, we will get to them whenever they tell me they want to start any questions.

So on the next slide, quite a bit of it is underscored and bolded, so we will read it from the beginning. Voice, text and video-based telecommunication products and systems including text telephones TTYs, video phones and captioned telephones or equally effective telecommunication devices is underscored and bolded. And then the final line on it is not new video text displays. DOJ slightly modified and added these to the definition for auxiliary aids and services. And just so you know that throughout this regulation, the Department of Justice also changed something else and I do not know if any of you notice that or it is--I will bring it to your attention now. They changed the term TDD to TTY because for some reason it became the commonly accepted term that was used during the comment period. Does not mean that you have to go out and change your business cards or your telephone directory at this time. They just found that it was the common term used.

So, on the next slide, the bolded and underscore is accessible electronic and information technology, and we are still on auxiliary aids and services definition. The not so new is or other effective methods of making orally delivered information available to individuals who are deaf or hard of hearing. So the new provision on this slide, which was bolded and underscored is what the DOJ said, they did get a request from someone, actually from a Disability and Business Technical Assistance Center (DBTAC) asking what was meant by that. Their response was that it is a catchall phrase to include any electronic or information technology that exist or will be developed. So that is pretty good that we have got the or will be developed.

So now we are going to get into the nitty-gritty auxiliary aids and services, more about the definition. This definition continues to include qualified readers and the emphasis with that these are things that are directed to individuals who are blind or who have low vision. What was added here is that in addition to Brailled materials is and displays. Also included in this--is

new is screen reader software and magnification software. Emphasis was on technology, and you know where we are all going with the techno and more and more usage of auxiliary aids and services. Also on this slide which I did not read are taped text auto recording--taped text and audio recording. Now, I remember when we were sitting at the Department of Justice and somebody brought up the question about learning disabilities and effective communication. And so if that question comes up later, I might be able to get completely an understanding out to you about that. That does not fall under the effective communication guidelines and possibly maybe Peter will be able to back me up on that if a question should come up later to that.

So now, auxiliary aids and services we will continue with on this slide added a secondary auditory program or SAP, and that was pulled from the 91 preamble. They have now included that in the text of the regulation. So once included again that catchall phrase, accessible electronic information technology, bolded and underscored on this slide. And then the last is or other effective methods of making visually delivered material available to individuals who are blind or have low vision. And I have only highlighted the blind or have low vision because they changed the terminology here to include a specific category of individuals which is blind or have low vision. Do we need to see if there are any questions at this time or should I keep on going?

PETER BERG

Yeah, why do not we keep on going when we get through your first scenario and then questions.

Okay, so on the next slide: Auxiliary Aids and Services, would our definition with continuing, there is no change to this part of what an auxiliary aid or services but still important to bring to the table. It is still the acquisition or modification of equipment and devices and/or other similar services and actions. Keep in mind that this list is not going to be exhaustive, it is not all inclusive. Again, it is all case by case. It can include other things because some of the items are a whole and not broken down. For instance, assistive technology because there is a lot of different assistive technology out there now and we could not list it all.

Okay, we are going to go to a pop quiz. Now, I will go ahead and read the scenario and then I am going to let Peter come in on how to do this again via the other webinar. So here is the pop quiz. With providing a qualified interpreter on site through Video Remote Interpreting, the VRI services be an acceptable form of an auxiliary aid and service. The answers are yes, but only if the individual specifically request Video Remote Interpreting. B, yes if it is effective for the individual who requested a sign language interpreter. C, no, a sign language interpreter must always be on site with the individual who is deaf. D, no, Vide Remote Interpreting is never an acceptable option.

PETER BERG

Alright, for those in the webinar room, you can select A, B, C or D by clicking on it. Those are listed below the participant list. And the keyboard keystroke to make a selection for A is

control 1, B would be control 2, C is control 3 and D is control 4. And Cheri, we will give folks a few moments here to respond and then Robin will go ahead and post those results and you can report them to our participants. And again, folks on the telephone you can, you know, be discussing these possible answers amongst yourselves.

CHERI HOFFMAN

We have a race for the “None” and the “Bs” here.

PETER BERG

I am just waiting for the participants [laughter] to finish polling here and Cheri will give us the results.

ROBIN JONES

The results have been posted.

CHERI HOFFMAN

Well, thank you. Well you know, looking at the polling, it is--it was a race between nobody answering to the Bs and the answer is absolutely correct with the Bs. The answer is yes, it is an acceptable form as long as it is effective for the individual who requested a sign language interpreter. Basically, this is one of the new added, underlined, underscored that we talked about earlier but again, let us keep in mind the word--the answer in here as long as it is effective for the individual who requested a sign language interpreter and not at all times with this replace a sign language interpreter but it is becoming an acceptable form in a lot of businesses these days.

So let us go with the next slide which is qualified interpreter. The definition of a qualified interpreter is new to Title II and modified in Title III. So, what is a qualified interpreter? In reading this slide, a qualified interpreter is an interpreter who via Remote Interpreting Service, VRI or on-site appearance is able to interpret effectively, accurately and impartially both receptively and expressively using any necessary specialized vocabulary. The only thing that is new in the first sentence is the--that they included the VRI in that.

The second sentence, they say qualify the interpreters include sign language interpreters, oral transliterators and cued language transliterators. And that is new, bolded it and underscored and we will go further into that because it is little bit technical in nature there. A transliterator interprets within the same language, sign language interpreter translates from one language to another. What is the difference? It would be a sign language interpreter would be for example from spoken English to American Sign Language.

So, what is an oral transliterator? Originally, they had referred to an oral transliterator as oral interpreters and now they have changed this based on the comments again that they received and oral transliterator has a special skill and they are able to mouth the speaker's words silently for individuals who are deaf or hard of hearing. And oral transliterator can be necessary for someone who is raised orally and taught to read lips. Now I can tell you that that

used to be like a standing joke in the hard of hearing community. People would--if they knew that you could not hear but you read lips, they would try to speak to you without mouthing the words. They--or actually are making sound to come, that is why they are much more skilled. They can actually mouth the words and they are actually forming the words and they--it requires special--special skill to be an oral transliterator.

There is also the cued language transliterator and they have a special skill as well. They use a cued speech system of hand shapes and placements along with the non-manual information such as facial expressions and body language to show language visually including speech and environmental sounds. Now, I have also found that some of the cued language transliterators are used a lot for people who are visually impaired and I am not sure if Peter wanted to speak up on that but a lot of folks that for instance have a case in court and they need to know the body language of that individual on the stand is showing or they need to know--are they biting their nails, are they fidgeting in their chair, it takes a very--another person with quite a highly qualified background to be able to transmit that language effectively to the person who cannot see it.

So, the cued speech transliterator functions the same as an oral transliterator except that she uses a hand code or cue to represent each speech or sound. And again, I am going to go on to this because we are saying--I am saying that they are using a hand code for a person who is visually impaired or obviously would not be able to use a hand code. But again they are--they have--they are terming this for people who are visually impaired to actually be able to give them the ability to determine what is being seen that they are unable to visually feel.

So, from what I understand, it is very, very unique and there are not a lot of interpreters that have been trained to do cued language transliterating.

So not all interpreters are qualified and not all interpreters are qualified for all situations. And so this is not changed but it is often still understood, misunderstood. It is not understood to be right. If a person is going to a veterinarian college and they need to take a test that requires some very specified or specific language in order to be able to make sure that they understand what the professor is saying in the classroom, you could not just put anybody up there. You would need to put somebody who is somewhat qualified in that situation to be able to use language that would be used in a veterinarian type of a field. Basic understanding of sign language of finger spelling could qualify somebody as an interpreter if the situation required something not to be as challenging.

It does not mean that the person would have to accept it as it just means that there could be a situation where somebody could be considered qualified in getting the information to the individual who is deaf. Someone fluent in sign language but cannot translate from spoken word to a different language would not be--could be considered not qualified. There are many different scenarios that we can go with the not all interpreters are qualified and not all interpreters are qualified for all situations.

The whole guiding criteria for this is that the covered entity must provide the auxiliary aid and service that ensures effective communication. So, who is the person that says the communication is effective? The person who is receiving it. So if the individual says I absolutely do not understand what they are saying. They are using a different ASL. They are-- use different type of sign language. I do so I do not--I do not get what they are doing. Now, they are the person that is going to be able to tell you whether or not that language that they are getting is effective or that service.

Another auxiliary aid and service would be a qualified reader and the qualified reader definition is new to both Title II and Title III. A qualified reader is someone who is able to read effectively, accurately and impartially using any necessary specialized vocabulary. The Department of Justice adopted this because they were getting a number of complaints from individuals who have someone assigned to them as a qualified reader and they could not understand the qualified reader and this is going to go back to what we talked about before. You would not want somebody to be your reader in a French class if their primary language were Spanish.

There is a number of criteria that they talked about in the interpretative guidance as to what a qualified reader and that a qualified reader must be skilled not just in the language but in the subject matter as well. So he or she must be able to be easily understood by the individual with the disability. So for example if someone again were taking a French exam and the reader had a little knowledge of French, they would not be qualified to read that exam to that individual. They would not know how to pronounce the certain words and let us go even higher like what if it were a high level science exam and they did not know the particular words or the right pronunciation. The individual needs to have it effectively and accurately given to them. Impartially would be more so that basically the reader is not there to give them the answer. Maybe they got--they got to remain impartial when they can but the more effective and accurate is a very important feature of this new definition.

Video Remote Interpreting, the VRI, the new definition, again both Title II and Title III and we discussed what VRI is and we have discussed again so we will go more that it is new to Title II and new to Title III and it is an interpreting service that uses video conference technology. It is over dedicated lines of wireless technology offering high speed, wide bandwidth video connection that delivers high quality video images. I do not know without seeing all your lovely smiles and face out there how many of you have had the--been able to see VRI actually in action, but it is absolutely a phenomenal way of getting across a sign language to individuals. The technology is up and coming and it is wonderful.

So VRI is going to be effective in some situations, right, but not all. And certainly could not have VRI going with somebody that is in a situation where I saw one of the examples with somebody was in a hospital and their body position was in such a way that if when they were trying to bring the VRI in, the person was in a laying down position and were unable to sit back and it was a problem. It was a--you have also got where patients might be semiconscious and so VRI may not be an appropriate. Well, even an interpreter at that point may not be

appropriate. But you have to look that there is an appropriate situation when you are using VRI.

So, covered entities that use it need to understand that it must result in that effective communication again. So, a routine medical exam, it might work. It might work for a routine of appointment for food stamp office or a Social Security or with your attorney. But there are going to be times where it is just not appropriate and the language or what is going on is too fast paced in the information going into the room and we got a joke from the Department of Justice like an auction. I do not even know if an interpreter could keep up with an auction.

So, performance standards for the Video Remote Interpreting services, they did put some performance standards out there. So here is what it says in point blank, covered entity that chooses to provide qualified interpreters via VRI shall ensure VRI provides number one, real-time full motion video and audio over a dedicated high speed wide bandwidth connection or wireless connection that delivers high quality video images that do not produce lags, choppy, blurry or grainy images or irregular pauses in communication, lot of big words.

But the speaker that we saw in DC specifically said that when she started working with the performance standards a few years before they came out, she actually was involved in a lawsuit against a hospital that were using the VRI for the very first time and that the situation was with a hospital was using it--it was not working for effective communication because they were not using it correctly. So they started to work with them and come up with performance standards so that they can ensure that if you are going to use the VRI that it was going to be used in a more effective manner.

And she told us that when she went to the hospital, that was really excited, they had gotten their VRI and they went to see the place but the data hospital was doing their show and tell to some of the folks at DOJ. There were like numerous problems which probably were good for that point because it helped them set these performance standards because one of the things they could not figure out is where did the video connection go. They did not know how to set it up. They were having problems that had more and more people coming into the room and more and more people like the crooks in the kitchen. So she said that it was actually a good eye opening experience and it was a good thing that it was an experiment because it really was not a person who was deaf lying on the bed and there was not a scenario of anybody yelling or screaming or anything but it did--it did indeed help them understand how to detail performance standards for the VRI.

So, I just already said most of this but another--what the sharply delineated image that is large enough to display the interpreter's face, arms, hands, fingers and participating individual's face, arm, hands and fingers regardless of his or her body position. Why would you think that this is important and why they did this is because when they started using VRI and working with VRI, they noticed that several of the covered entities that they made visits to were placing the camera in such a way that when you either saw the interpreter's hands or you saw the interpreter's face but necessarily did not see both of them at the same time. So, that is not

effective. It is not good for a person who is trying to read not only what the person's body is saying but what the hands are saying too. So as you know that someone signing uses their hands, moving them up and down, they are not necessarily all the time in front of their face. They were missing half of the communication. And likewise with the camera moved down on the hands only, then they were missing the facial expressions. So they added the--to the performance standards the--how the image were to be presented through the VRI.

I apologize. The next slide is the final parts of the performance standards for VRI service and the third performance standard is that that it be clear, audible transmission of voices. And this is so the people can clearly understand when they are communicating and do not know how many of you have used Skype or heard about it, but Skype can be very difficult because it is very choppy, the voice can break up and sometimes you cannot understand each other at times. My son when he was in Iraq would contact us through the Skype. Now I cannot do the Skype at all but if I have family members in the room and they were telling me what my son was saying, but I could tell, you know that it looked like the old Pepsi add thing where the guy, you know, was fuzzing in and out. It was not a really acceptable situation but I mean at least I got to see him. But that is not acceptable for VRI. That is why they put it in the performance standards that it must be a clear audible transmission of voices and they also put in the adequate training to users of the technology and other involved individuals so they may quickly and efficiently set up and operate the VRI.

And we are going to go back to this because that was the problem for one of the big problems when they went for their tests in the hospital that the hospital clearly did not even know how to set it up. And each time when the other person came in, it just got to be worse and they do not want people to spend 15, 30, 45 minutes trying to figure out how a system work. So it has to be done quickly and efficiently. So if people are considering using VRI, they need to get the proper training and the standard operating procedures in place.

So at that point, one of the training speaker said that someone sent in a question, who's responsible for the training? So if that is on your list of questions, the Department of Justice said the training would normally be the responsibility of the covered entity that you are using the VRI. So if you work for a hospital or if you work for an attorney's office or an employment service, it would normally be your responsibility if you use VRI to make sure that your individuals that work in your offices are trained and get the individuals who set up the VRI to come in and train the people and continue the training.

Because of the turnover in many offices you are going to make sure that just like TTY machines, a lot of people have them and we have asked them numerous occasions or how many people here know how to answer TTY call and they just look at you, they do not know. So it is really important that the standards be followed and one thing I can recommend is that entity that is going to rely on VRI 24/7 that they have people trained to use the VRI that worked 24/7 as well.

So now we are going to talk about companions. Who is entitled to auxiliary aids and services? The regulations have always listed different individuals that are entitled to appropriate auxiliary aids and services, but they have not specifically included companions and they were finding that it was problematic with the covered entities like attorneys and maybe IEP meeting for schools and where the companion was the individual that might have to turn the auxiliary aid or service to. So they imported that obligation directly into the regulation text even though it was always their position that companions are entitled to appropriate auxiliary aids and services necessary to provide effective communication. It was just never integrated in there, so this is really just a clarification of their longstanding rule. And covered entities have obligations to effectively communicate with and to companions as well.

So, who is a companion? They have defined companion in both regulations of the family member, friend or an associate of an individual seeking access to Title II services, programs or activities and for Title III entities, they are seeking access or seeking to participate in goods and services, facilities, privileges, advantages or accommodations of a public accommodation. So who along with such individuals is an appropriate person with whom the covered entities should communicate with? And again, this could go down to a very complicated automobile transaction where the individual who is deaf is the companion and they are there to support the individual through the very extreme purchase of an automobile and lots of paperwork. So as defined in this, it might say that this person as a family member or friend or an associate is entitled to effective communication during this very technical transaction.

So the guiding principle, the companion is someone with whom the covered entity normally would or should communicate, the covered entity must provide that companion with the appropriate auxiliary aids and services for effective communication. So we just talked about the car sale. It also could be a court case where somebody that we are going to go with the would or should communicate. So that is the guiding principle for companion. And it is now time for another pop quiz. In which situation is a companion entitled to appropriate auxiliary aids and services for effective communication? A, a companion is deaf and designated as a person with whom medical personnel should communicate with and has requested a sign language interpreter; B, a parent who is visually impaired and is intending a back to school night for her child but does not have a disability and has requested a large print program; C, both A and B.

PETER BERG

So to select the A, B, and C you can click on--those of you in the webinar room can select A, B or C, simply click on A, B or C below the participant list where you can use the keyboard function. To select A control 1, to select B control 2, to select 3--I mean, sorry--to select C, both A and B, C would be control 3. And we will give folks just a few seconds here to respond because we want to make sure we have enough time, Cheri, for you to get through your presentation and so we can take some questions at the end.

CHERI HOFFMAN

Okay.

PETER BERG

So folks would put in their responses, we will go ahead and get those results posted and then Cheri can continue on with the great information you are providing us with.

ROBIN JONES

The responses have been posted.

CHERI HOFFMAN

Okay. And the majority of you that did post picked the correct answer, just exactly what we just discussed. The correct answer was C that both A and B. Both of--in both of these instances the individuals would be appropriate companions for auxiliary aids and service for effective communication.

Determining what type of auxiliary aid and service it will vary in accordance with each method of communication used by the person with the disability, the nature, length and complexity of the communication involved and the context in which the communication has taken place. This is just the three criteria that the Department of Justice set up. Again, this is pulled from the preamble of the 91 regulations and from technical manuals. You have to look at the type of auxiliary aid and service that will vary in accordance with the method of communication used by the individual.

I do not know if you remember when we talked about who might need an oral transliterator as opposed to someone who is fluent in sign language. This would be the difference you are going to look at the complexity of the communication involved and the context in which the communication has taken place. They included both of these requirements in the regulation text itself because once again, they discovered that covered entities do not realize the scope of their obligations to provide the effective communication.

Determining what type of auxiliary aid and service, the Department of Justice strongly suggested in the interpretive guidance that communication assessment be performed and not just--not necessarily just once. It should be performed, initially determine the initial appropriateness of the auxiliary aid or service and then to reassess a situation as it evolves. One of the reasons for this is if you think that a child has a sprained--a child might be taken to a hospital over a weekend because the mother, the child's pediatrician is closed and you think that the child has a sprained ankle or a sprained knee and you do not think that it is going to be anything major but the parent is deaf and you think that the exchange of written notes might be sufficient.

But as you were there at the hospital they started to examine the child, they are going to find out that the situation might be more serious and they are contemplating surgery. So the exchange of written notes has now changed from the first communication assessment to something that might be more appropriate. Now the parent might need an interpreter because the hospital is contemplating surgery. So, the key to communication assessment is to

look at each situation, how it evolved and if different auxiliary aids and services are going to be necessary at any point in time.

So, a suggestion that covered the Department of Justice again strongly suggest that--and they did this again and again in the interpretive guidance that covered entities keep individuals with disabilities informed also of the status of their requested auxiliary aids and services. And for Title III, they decided not to provide the requested auxiliary aid or service let--basically they decide not to provide the requested auxiliary aid or service to let them know. Let them know it is not going to happen. It seemed to them like it was going to be a no-brainer but they found in the medical health care context, particularly with hospitals, they were not doing this. People who were deaf would go to the hospital ask for an interpreter and never hear anything again and again about it and they would be seen by the hospital and ask multiple times for an interpreter and they would never be told where the request was, have the request been processed? Was an interpreter on the way? So again, this is probably something preaching to the choir. It sounds very familiar to many of you.

In order to be effective, auxiliary aids and services must be provided in accessible formats in a timely manner in such a way to protect the privacy and the independence of the individual with the disability. This was added as we were told that the requested advocacy groups, particularly advocacy groups who were represented individuals who were blind or have low vision. So that was--for those of you that do not have a slide in front of you, again what I was--just want to say that in order to be effective, auxiliary aids and services must be provided in accessible formats in a timely manner.

So the regulation specifically states that the covered entity shall not require an individual with the disability to bring another individual with them to interpret for him or her. How many of you had this happen before or would they say, well, just let the husband, let the son, let the daughter. Let them interpret for them. It is not--it is the obligation of the covered entity to provide the appropriate auxiliary aids and services. It is not the individual who is deaf or hard of hearing or visually impaired to bring the person with them to do the interpreting or read for them.

The Department of Justice remarked that doctors seem to have a really hard time with this concept and it is not meant to prohibit parents or guardians or caregivers from providing the effective communication where it is appropriate. It is just a prohibition that is placed upon the covered entity not the parent when it is reliant on the accompanying adult acceptable that is only if the person has accepted that as their form of communication. I am going to talk about that a little because I am trying to get through these slides for questions here.

Okay, when in the reliance on an accompanying adult, a covered entity shall not rely on an adult accompanying an individual with the disability to interpret or facilitate communication except in an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available. It must be a true emergency, and remember, it is a temporary pass. It does not apply to a typical or foreseeable emergency

when you are dealing with a covered entity where a part of the responsibilities are responding to emergencies. They should have appropriate sign language interpreters for responding to emergencies, for instance emergency preparedness, shelters or emergencies, those kind of situations that are set up in advance of--but not what I guess of imminent threat to safety. But again, I would like to address to anybody else that it is not--it is only a temporary pass. It is not something that would continue through the whole once an interpreter arrives. So what is the reliance on the accompanying adult, the general rules and exceptions?

Well the second situation, when a covered entity can rely on accompanying adult, and it is a three-part exception, is where the individual with the disability specifically requests that that accompanying adult interpret or facilitate the communication for them. And the accompanying adult agrees to do it and the reliance on the accompanying adult is appropriate under the circumstances, and that is bolded and underscored.

First, however, the covered entity should tell the individual with the disability they are entitled to appropriate auxiliary aids and services and they are entitled to them for free. A lot of people want somebody to interpret for them because they are afraid that they are going to be charged if they ask an interpreter to come in. The covered entity cannot coerce or try to persuade the accompanying adult to provide these services either. It has to be voluntarily given and the individual with the disability has to agree to it that they want the individual to facilitate the communication for them.

Time for another pop quiz. John is deaf. He decided that he is ready to purchase a new car. John indicates to the salesman that he is comfortable with his wife interpreting for him while the salesman explains the vehicles and the financial responsibilities. John makes his decision with the help of his wife providing sign language. Excuse me. He then signs all the documents and purchases the vehicle. Later John decides his wife made a mistake in the way she communicated the contract to him. John wants the dealership to have the contract changed or he wants to return the vehicle. The dealership said it is a done deal. John said the dealership should have given him a qualified sign language interpreter and he will sue them. Is the car dealership in the wrong for not insisting on the dealership providing a sign language interpreter for John? I should say the wife wrong for not insisting on a dealership providing a sign language interpreter for John. A, yes; B, no; C, it depends.

PETER BERG

Alright. And just again the keyboard strokes for those to select A is control 1, select B control 2 and to select C control 3, and we will get the folks' responses shortly here and get those posted and move on.

ROBIN JONES

Results are posted.

CHERI HOFFMAN

Okay, so I can see that for the majority of people the absolute answer is correct. It depends. The regulation clearly states that the covered entity shall not require an individual with a disability to bring another individual to interpret for him or her. However, the DOJ stated this is--this to us and said it clearly, it is not meant to prohibit parents, guardians, or caregivers from providing the effective communication. However, where the "it depends" comes in with to us is, was that appropriate. This was a legal contract that binds someone to a financial agreement.

Would insisting on a sign language interpreter have provided both John and the dealership greater protection? I think that that it would have been a better scenario. And this was a true scenario that took place in my area, so I would think that where appropriate the dealership should not have allowed John to have his wife interpret for the contract and that he should have understood that the assistance of a sign language interpreter would have been better for them to use.

Now, reliance of a--on a minor child was also added and we are going to talk about this because this has been, this has happened quite a bit in the past where parents who are deaf have people have tried to rely on their minor children, and this is a very limited exception within the standards. The only time covered entities can rely on a minor child to interpret or facilitate communication is in an emergency situation again involving imminent threat to the safety or welfare of the individual and where there is no interpreter available at that point in time. And notice there is no clause like with the accompanying adult that if the participant agrees.

And the reason for that is a child is not really in an equal bargaining position because if an adult tells them they want them to sign for them, the child is not really going to be able to say no. So also there is going to be a lot of situations where it is totally inappropriate to rely on a child. We have a situation in this area where a child was brought out of a car during an arrest and asked to interpret for the parent who was being arrested. It happens with parents who are deaf that are sick and in the hospital, a child is already full of emotions and asking them to interpret in an emergency situation like that could cause the child to become very stressed and whether or not they are going to be able to articulate or use specialized vocabulary. So let us again say that this is definitely only in emergencies involving an imminent threat for safety or welfare and it is not--I mean one of the main places asking a child to possibly interpret during a school conference because who knows what the parent of that is getting what the child is actually saying to them. So we got another pop quiz here.

PETER BERG  
Cheri.

CHERI HOFFMAN  
Uh-huh.

PETER BERG

This is--could I ask you, could you hold off on your last pop quiz

CHERI HOFFMAN

Sure

PETER BERG

and then just finish up so we have time for questions and then if we have time during the Q and A we can come back to this scenario.

CHERI HOFFMAN

Well actually this is coming to the end here so let me.

PETER BERG

Okay, okay that is fine then go ahead.

CHERI HOFFMAN

No, I am going to come to the end here. I just added this end because I just wanted really quickly to go over what is new in telecommunications in both titles and so I have gone to slide number 44 for those of you. Both titles require that covered entity shall respond to telephone calls from a telecommunication's relay service established under Title IV of the ADA in the same manner that it responds to other telephone calls. And keep in mind I have put the references to this in the slides too. So if you have printed the slides, I put the references in there. And Title III now also requires that covered entities shall respond to telephone calls from the telecommunications relay service established under Title IV of the ADA in the same manner that it responds to other telephone calls. And I am going to go ahead and go to the end because it was really just one more pop quiz that I had and we can take questions.

PETER BERG

Okay. Thanks, Cheri and we can come back to those scenarios and discuss those if we do not have questions. But I am going to ask our operator Sean to come out and give instructions on how folks on a telephone can ask question and remember folks that are using the webinar platform, you can submit your questions in the chat area by control M. Your questions are being sent to the moderators even though you are not able to view it yourself. But, Sean, if you can give instructions for our telephone participants.

OPERATOR

Thank you ladies and gentlemen on the phone lines to ask a question, simply press star then 1 on your touch tone telephone. Again to queue up for an audio question, please press star then 1 at this time. One moment.

PETER BERG

Alright. And Cheri, let us see if Robin has received any questions online.

ROBIN JONES

Yes, we do have some questions here online. One of them, Cheri, is can you explain the qualifier relating to effective communication that is required for auxiliary aids and qualified readers relating to individuals with other disabilities such as LD, learning disability and communication disorders.

CHERI HOFFMAN

And I said earlier that I was glad that that might come up because that was a question that was--we brought up in DC and effective communicate--that is not called effective communication. The Department of Justice said that that would fall under reasonable modification to programs and services that effective communication is just for people who are deaf, hard of hearing, speech impaired or blind. I shook my head a few times but that is exactly how it came out. And Peter, if you would like to go any further but that is exactly what they said that learning disabilities, cognitive disabilities meant, you know, they were not considered that that was not their intent for effective communication.

PETER BERG

Correct, correct, they talked about, you know, the requirements for effective communication relate to individuals with sensory impairment. And then the old--the old Title III technical assistance manual they had an example of the difference between a grocery store assisting someone that is blind retrieving items from the shelf, would be viewed as an auxiliary aid or service for someone that is blind. But now that same store clerk removing an item from the shelf for someone that uses a wheelchair, that would be viewed as a reasonable modification in that store's policy, practice or procedures. So if there--someone with a learning disability needed some type of, you know, accommodation to--with relate--related to getting information from a program, that would be considered a reasonable modification.

CHERI HOFFMAN

If for some reason--I mean it was--it was a great interest to me because I was like, wow, I really never knew that. I mean for the longest time I thought cognitive learning disabilities would actually fall under that but it does not. Do they have anything further to ask to that?

ROBIN JONES

No just that, just remember that there is still an obligation to ensure that individuals have their needs met and as Peter said it could be something different modification of a policy and procedure or provision of a reasonable modification--

CHERI HOFFMAN

Exactly.

ROBIN JONES

or accommodation. Just another question online before we go to the telephone. Related to a hotel specifically in this particular area that can a hotel charge for an assistive listening system when a company that is fronting a meeting room requested for a participant that might be

attending a conference or meeting that they are having and then also would that be the same response for a hotel to provide CARTs or VRI or other similar auxiliary aids and services.

CHERI HOFFMAN

Wow, I do not know that it is the hotel's responsibility as much as it is the entity that is doing the actual presentation. I mean if I am understanding this correctly, you are saying that if an individual attends a function within a hotel, a conference let us say, and the individual who needs CART services, it would not be the hotel providing the CART, it would be the conference--the conference itself that would set up the CART system. I am sure the hotel could possibly give them leads in the community maybe as to where to get these auxiliary aids and services. But now if it was the hotel doing the function and an individual requested it and, you know, it was a function that the hotel was doing like a--like in Disney they do the timeshares and it would be the hotel's res--the timeshares responsibilities to make sure that the individuals that might be deaf or hard of hearing and visually impaired that are taking the tours and learning about the timeshares, it would then become their responsibility. And did I hear like another part to that which was whether or not they had to pay for like assistive listening device in the room?

ROBIN JONES

No, it was the same question, if somebody requested if I was renting meeting space and somebody requested assistive listening system for that meeting to take place, would the hotel be responsible for providing the assistive listening system and then the follow-up was the same for CART or other things. So it is not related to the room. It was related to the use of rental of the space.

CHERI HOFFMAN

Well, once again--

ROBIN JONES

Using more examples.

CHERI HOFFMAN

Yeah. I guess the rental of the space, that would be between the individual that is running the actual conference and the hotel because it is going to come down to the hotel is providing the space and, yeah, they can get the assisted listening devices but they can certainly charge the individual that is using the room for the use of those auxiliary aids and services. Can the conference people then charge the folks that are attending the conference for the use of them? No. But I think right now we got like the three part kind of thing going here. The hotel does not have to have those in the back room but they can certainly through contract with the presenters say that we can have these services here for you but they would definitely be able to charge them for the use of them.

ROBIN JONES

Okay, Peter, you can go ahead with the phone.

PETER BERG

Sean, Sean we go ahead. I mean, Sean, if we go ahead with our first question on telephone please.

OPERATOR

Sure, our question. Caller, please go ahead

CALLER

Yeah. Thanks for taking my question. The question I have is in regards to slide number 30 where you are talking about the companion or the family member, friend, associate seeking access. I have got a situation where court has someone who is being tried but the person who is being tried has a friend who is wanting to attend and his friend is deaf, what kind of obligation does the court have to provide access to someone who basically had no legal standing but is simply a friend of the person who is being tried?

CHERI HOFFMAN

Well, that is intense. The thing about it is, is with Title II entities. If an individual comes to, you know, if they are allowed to come into a courtroom situation and their--there is public viewing of that court, then the court would have the obligation not be of the person that is sitting there just because of their friend because the court is allowing people to be in there and as an individual who is deaf is attending that and it is for public, then the court would have the responsibility of ensuring the effective communication. Robin, Peter.

PETER BERG

Yeah. No, I think you are--I think you are right on with it that the--if the court allows the folks to sit in on court proceedings, you know, they would have that obligation and it would not be the companion provision. That would be, you know, as you said, stated that direct obligation to provide effective communication with someone that is deaf.

CALLER

I am sorry about it. I should have made it clear. This was not open to the public. This was definitely a hearing that the individual was attending as a friend of the person who is being tried not involved necessarily in the proceeding but just there as moral support for the individual who is being tried.

ROBIN JONES

That question here would be then, what is the court's practice for letting anyone take the disability out of it and what would be--do they allow individuals to bring somebody with them as a support or otherwise, and if they do, then they would need to provide accommodations for that individual to ensure that they have the same access as everybody else did in regards to being able to bring a friend or companion.

CALLER

Okay. Sounds good. Thank you.

PETER BERG

Alright. Thanks. Sean, can we have our next question on the telephone please.

OPERATOR

I actually have no one in queue but I will remind them they may hit star 1 if they do have a question on the phone lines.

PETER BERG

Okay. We will see if Robin has anymore questions online.

ROBIN JONES

Aha. We have a question here, something to do with post-secondary ed. Our campus has no public pay phones of any kind. Are they required to provide a public videophone or TTY in that case?

CHERI HOFFMAN

Well, you know that--no. [Laughter] Let us put it this way. If you do not have--if somebody goes into the office and you just said your secondary school, I am taking like a middle school or private school, I mean a regular school, but when kids go to the office and they say I need to call my mom and they are allowed to use a phone, then in that case it would be--a school should have the alternate form of method for a child who is deaf to be able to contact their mother via the TTY machine and not say, here, let me make the call for you and I will just tell you what they are saying. I will have your interpreter interpret for you.

The Video Remote Interpreting is not required at all. I mean that of course is very new to many people and there is a cost associated with it, the--and so if they have it, good. If they do not, it is not required in a school or anywhere, it is not required. But because as I have said before, it does not take the place of an interpreter, the Video Remote Interpreting is exactly what is. You can actually have an entire meeting with the Video Remote Interpreter, so they are really two different facets of ways of communication although people do make telephone calls with the--the video remote services. But the telephone, regardless of not having a pay phone, you still might, if you have a phone that other people use, then you have to have the alternative means for students and/or other individuals that come in to use the office or something to be able to have the alternative means of communication.

PETER BERG

And, Cheri, let me ask a sort of a follow-up question to that, and there is a question that that I have gotten somewhat frequently, you know, since the revised regulations being effective back in March. And calls from county, from counties, wanting to know if they need to have a dedicated TTY line or a phone for people to contact them or do they even have to have a TTY in each one of their offices or departments to receive phone calls from someone from the public that is using a TTY?

CHERI HOFFMAN

You know, I asked that specifically to an individual in DC and they said no, because of the 711, because of the relay services, because folks can use their--the Sorenson or the video relay, the 711, to be able to actually communicate from their point to the point N so that does not-- there is no need for a dedicated line. Is there--that there are--should they, most of us say they should, that there should be one or two areas within a courthouse and where somebody can use for their own purposes of outgoing. But for incoming, no, there is a--I do not think I have read anything saying they have to have dedicated lines for TTYs to come in because of the new telecommunications and the new technology out there.

PETER BERG

Right. And if I--I think entities should also be aware of the type of phone system that they are using and then also, you know, the particular program, you know if a--you know, a county agency has a complicated you know phone, you know automated system that would make it difficult to navigate using a relay operator, that would need to be something they take into consideration. And I think also, you know, the particular program that they may be operating if they are operating, you know, a crisis hotline, you know that--is that truly equal.

CHERI HOFFMAN

the program may come into play but I can tell you that with the new technology out there, individuals and, you know, I can tell everybody on the front here right now that I use technology, and though I have good speech I still use a captioned phone and require captioning. And when I get those rotating dials, it is extremely frustrating for me, and there is no way I can just push one button to get to somebody. So new technology is going to hurt us too.

PETER BERG

Right. We will go--Robin, do you have another question online for us?

ROBIN JONES

Ah, yes, I have a question related to--or well somebody actually making a comment, could you suggest in the case of the previous question that they use 711 as an alternate means of communication and I believe 711 reading the reference to the relay system.

CHERI HOFFMAN

Exactly, I mean, it is out there, that is what it was put into place for use. The CapTel is now available on many of the cell phones. We have got our speech to text for our cell phones now, there are a lot of different ways that individuals who are deaf or hard of hearing can communicate telephonically but I think Peter said it is really good too. Depending on the program of the service too, I think if it was a suicide hotline, we certainly would not want one somebody to have to go through all, a bunch of different ways to get to a person but, you know, maybe it might be to their benefit to have a dedicated line for TTY but not everybody

has a TTY sitting right in front of them anymore either. I think that they use the VRI and the 711 as the more frequent.

ROBIN JONES

And then just the caveat that was--said with the same scenario or follow-up to the same scenarios, what if someone argued that--use of someone was not as private as a direct connected TTY call?

Well once again, we know that 711 and all those are supposed to be--individuals who are qualified and individuals who are discrete and individuals just like an interpreter, they are not--they are supposed to be completely--I cannot get the word out.

PETER BERG

Confidential?

ROBIN JONES

That well, they are held to the code of ethics for--

CHERI HOFFMAN

Exactly. I mean--I do not think that that--to me, I mean there is a--to me there is no privacy in a TTY either because it can be anything, there is no privacy in anything to communications anymore but I mean, I guess there is a caveat to it but that would be just like an individual that has an interpreter in the room and, you know, we have had some pretty odd situations with interpreters back in my CIL days, you know, where--you know the interpreters getting information, that is very personal and tied in nature but they do not walk out of the room saying anything, that is their job, that is what they do.

PETER BERG

Right, let me check with Sean real quickly if we have any more questions on the telephone.

OPERATOR

I am not showing any questions currently in the queue.

PETER BERG

Okay, Robin, do we have any more questions online? Or could go to one--

ROBIN JONES

No, I do not have any additional questions online at this time.

PETER BERG

Okay, it is--Cheri, before are almost--we are getting close to the bottom of the hour. Before we wrap up, do you want to go through one of the other two remaining scenarios that we skipped over?

CHERI HOFFMAN

Let me see here, there was one that--this is--this--

PETER BERG

Go back to that qualified reader?

CHERI HOFFMAN

Yeah, let us go with Maria who is blind. For those of you on the phone, it is 5:43. Maria is blind, is accompanying her minor daughter to her first appointment for braces. The dentist allows the daughter to read the financial contract to her mother while he leaves the room to check on another patient. The daughter knowingly--unknowingly leaves off some of the financial information and requests her mother to sign the contract. Can Maria make the dentist change the agreement because he allowed a minor child to read the contract to her mother? I am sorry, I missed a slide. Bear with me. Maria received the first bill for the braces and is surprised. She feels there is an error. She gives the contract to her reader and asked her to read the financial portion. She discovers it is not what her daughter read to her. Can Maria make the dentist change the agreement because he allowed a minor child to read the contract to her mother? Yes or no?

PETER BERG

Alright, so for folks in the webinar room, click on yes or no below the participant list or control 1 for yes or control 2 for no, and we will just wait a few moments here to get responses from--

ROBIN JONES

And that would be the check mark for yes and the X for No. The results are published.

CHERI HOFFMAN

Okay, well, this case may be heard at the Department of Justice simply because the dentist should have never allowed a minor child. There was--there was the word there. Most of you answered--oops, I lost my polling but I want to say most of you answered, can Maria make the dentist change the agreement, he allowed a minor child to read the contract, most of you said, what does the check mark mean? I am sorry, no or yes?

ROBIN JONES

As for check green and X for no.

CHERI HOFFMAN

So X is no and green is yes. So most of you said according to these in the polls, yes, and--so you are right because what I am trying to get across is that one, the dentist should have never allowed the daughter to read a legal and binding contract to her mother. The mother should have never allowed the daughter to read it either because it was a contract. The mother had some responsibility for not requesting--had some of the responsibility for not requesting the dentist to have someone in the office read the contract for her.

But the situation is really--sometimes a little bit of a it depends situation too, because if it went to court on a Department of Justice level, Maria may have a victory for an adjusted bill but maybe on a state level, the ruling could be that she was an adult and she signed a legal and binding contract and she should have asked someone else to read it for her. This is actually a real case, honest to goodness, a real case and I will tell you that it did not go to state, it went to a much higher level and Maria did get victory, she got an adjusted bill and it--I just changed the names and the disability a little because this was an actual dentist in our area that did not hire an interpreter and allowed the minor daughter to interpret the contract for the mother in which the daughter said, "Dad, is going to be paying for all these, all you need to do is sign here, here and here," and the mother was literally frantic when she got the bill and then, and through a lot of paperwork and legal effective communications sending to her, the mother was--was able to effectively advocate for herself and she ended up actually getting a free pair of braces for her daughter. So I think it is really important that people understand that minor, the minor child is definitely something that they should not be having their child interpret or read for them.

PETER BERG

Alright.

CHERI HOFFMAN

The imminent--

PETER BERG

I am sorry?

CHERI HOFFMAN

Remember the imminent emergency safety, all that, otherwise, leave the children out of it.

PETER BERG

Alright, on that point, Cheri, I want to say thank you for your presentation, all the great information you provided to us today. If any of the participants have follow-up questions or if you have some late questions that we did not get to, you can contact your regional ADA center by calling 800-949-4232. As reminder, today's session was recorded. An archive will be made available in a couple of weeks' time. You can locate the archive on the ADA audio website [www.ada-audio.org](http://www.ada-audio.org). That is the website where you can also get information about our next audio conference series session which is taking place on December 13th.

Please take note of that date. That is a week earlier than we typically do our audio conference sessions. We typically do them on the third Thursday of the month, but due to the holidays in December and ability to get speakers and get people that want to participate, we have moved this up one week and it is a session that you want to join us as we have an open dialogue with the Department of Justice. We will have representatives from the US Department of Justice, Disability--Office of Civil Rights, Disability Rights Section, that will be on hand to talk about the--some of the changes that in the revised regulations covering state and local government and

places of public accommodation. Again, you can get information about registering for that session at [www.ada-audio.org](http://www.ada-audio.org), or by calling 877-232-1990.

And one last reminder, please submit your online evaluation forms. We truly appreciate and do review the evaluations that you submit to us. They help us formulate the program and the sessions that we are going to do in the future, so we do appreciate and value the evaluations that you provide to us. So, I want to thank all of you for joining us today and hope that you have a great remainder of your day. Take care and thank you.

**OPERATOR**

Thank you, ladies and gentlemen, thank you for your participation in today's conference. This thus conclude the conference, you may now disconnect. Everyone have a good day.