

## LIFESPAN SUED FOR VIOLATING THE RIGHTS OF DEAF PATIENTS

Sept. 11, 2017 – Providence, Rhode Island. The National Association of the Deaf, the Rhode Island Disability Law Center, and Eisenberg & Baum, LLP filed a federal civil rights lawsuit alleging violations of the Americans with Disabilities Act and other federal laws on September 6, 2017 on behalf of the Rhode Island Association of the Deaf (RIAD) and two long-time Rhode Island residents, Kathryn Arcana and Peggy Merhi, against the Lifespan Corporation, Lifespan Physicians Group, and Rhode Island Hospital. The lawsuit alleges that Lifespan Hospitals violated the rights of Kathryn Arcana and Peggy Merhi by not providing effective communication in the form of qualified on-site sign language interpreter services at Hasbro Children’s Hospital and Rhode Island Hospital. Kathryn Arcana and Peggy Merhi are deaf and use American Sign Language (ASL) as their primary means of communication.

Ms. Arcana brought her young son to Hasbro Children’s Hospital, the pediatric division of Rhode Island Hospital, on multiple occasions due to complications related to a chronic illness, including surgery for organ removal. At critical times, Hasbro failed to provide on-site interpreting services to facilitate communication between Ms. Arcana and hospital personnel, leaving her without an effective means to share and receive information regarding her sick child. Instead, Hasbro occasionally used a remote service known as Video Remote Interpreting, but the service was never effective.

Mrs. Merhi also went to Hasbro Children’s Hospital to seek services for a sick child. She also accompanied her late husband, who was also deaf and used ASL as his primary means of communication to another location, to Rhode Island Hospital on multiple occasions as he battled cancer. The hospitals were not consistent in providing sign language interpreter services, leaving Mrs. Merhi and her husband without an effective means of communicating with hospital personnel. As with Hasbro, Rhode Island Hospital occasionally used Video Remote Interpreting services, but the service was rarely effective.

The RIAD has joined the lawsuit to represent the interests of deaf and hard of hearing individuals across Rhode Island who have faced similar struggles. The RIAD has devoted many hours to advocating for improved access for its constituency of deaf and hard of hearing individuals in Rhode Island, and seeks to ensure that hospitals provide in-person interpreters. Todd Murano, acting President of the RIAD states, “On behalf of the Rhode Island Association of the Deaf, the members of this organization and the Deaf community have experienced tremendous stress and suffered frustration in receiving clear and equal communication access from in hospitals in Rhode Island. Since the Americans with Disabilities Act was passed in 1990, hospitals in Rhode Island have neglected Deaf patients by providing inadequate access to accommodations which infringe on Deaf individual’s basic human rights. We expect swift changes to communication access and infrastructure in Rhode Island.”

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The National Association of the Deaf (NAD) is the nation’s premier civil rights organization of, by, and for, deaf and hard of hearing individuals in the United States. The NAD’s mission is to

protect, preserve, and promote the civil, human, and linguistic rights of deaf and hard of hearing individuals.

The Rhode Island Disability Law Center (RIDLC), a federally funded not for profit law office, is Rhode Island's Protection and Advocacy (P&A) System. P&As provide legal advocacy regarding disability-related issues. RIDLC's mission is to assist individuals "...in their efforts to achieve full inclusion in Rhode Island..." Full inclusion requires access to effective communication by health care providers.

Eisenberg & Baum, LLP is a New York-based law firm representing deaf and hard of hearing individuals in discrimination lawsuits nationwide. The Eisenberg & Baum, LLP Deaf Law Center has a team of professionals dedicated to promoting deaf rights and advancing policy changes across the country for the betterment of the deaf community. To learn more, visit <http://www.eandblaw.com>.

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