

Article In: NJ-L News, USA-L News / Back to Articles

NORTH BROWARD HOSPITAL DISTRICT TO PAY DEAF COUPLE \$99,000 FOR FAILURE TO PROVIDE INTERPRETERS

Fri, November 21, 2008 - 11:34:00

NORTH BROWARD HOSPITAL DISTRICT TO PAY DEAF COUPLE \$99,000 FOR FAILURE TO PROVIDE INTERPRETERS

After five years in litigation, North Broward Hospital District has agreed to settle with Andrew and Vicki Saltzman from Boynton Beach, Florida for \$99,000. The case was assigned to the Honorable Alan S. Gold and settled in a mediation today before the Honorable William C. Turnoff in the United States District Court in Southern District of Florida.

Andrew and Vicki Saltzman sued North Broward Hospital for failure to provide interpreters during Andrew Saltzman's hospitalization from February 15, 2002 through March 2, 2002. Mr. Saltzman went to North Broward after being diagnosed with a stroke at Northwest Hospital. He was transferred to North Broward to receive physical and occupational therapy services. Despite all of their Saltzman's requests for an interpreter to be provided, on only one occasion the day prior to his discharge from the hospital were the Saltzmans finally provided with an interpreter. According to an Affidavit signed by one of the nurses at this hospital, the hospital made the decision on this date to provide a sign language interpreter "...because it was important that Mr. and Mrs. Saltzman understood Mr. Saltzman's Discharge Instructions." Thus the hospital made a unilateral decision not to provide interpreters on all other dates that the Saltzmans were in the hospital. Yet the hospital obviously knew the Saltzmans required an interpreter to communicate. The hospital also attempted to use the Saltzman's son to try and facilitate communication during his father's therapy sessions due to the hospital's failure to provide a qualified interpreter. Due to the failure of the hospital to provide an interpreter, the Saltzmans did not completely understand what treatment was being provided, what procedures were being performed and they were unable to ask questions or voice concerns regarding risks and benefits of the recommended procedures and treatment. After experiencing the terror, frustration and emotional anguish of receiving medical treatment without understanding much of what went on, the Saltzmans decided to sue the hospital so this would not happen to other deaf patients. They were represented in the case by Clara R. Smit, an attorney in East Brunswick, New Jersey who specializes in serving the deaf and Matthew Dietz, an attorney in Miami, Florida who specializes in disability discrimination.

The Saltzmans, Ms. Smit and Mr. Dietz are extremely pleased and excited with the settlement and hope to see more major changes in Florida Hospitals and those across the country, in their policies and practices, as more and more of these cases are brought. Although the ADA and the Rehabilitation Act, specifically require that a hospital provide reasonable accommodation, such as interpreters to the deaf, it is only in the past couple of years that deaf people have begun to feel empowered to start bringing these lawsuits. Communication difficulties in the past created extremely limited access to the legal community and the courts in general for deaf individuals. Ms. Smit and Matthew Dietz have also settled several other cases together in the past against Wellington Regional Medical Center, Bethesda Memorial Hospital, Halifax Medical Center of Daytona Beach, Memorial Health Systems of Ormond Beach and several doctors' offices who all agreed to pay monetary damages and utilize certain protocol to ensure that future deaf patients receive sign language interpreters, telecommunication devices for the deaf and closed captioning.

These private and public entities agreed to enter into Settlement Agreements whereby the doctors' offices and hospitals would make changes in their policies, post signs and use special admission forms to ensure deaf patients have equal access to communication during medical treatment. These Settlement Agreements are similar to those entered into with over thirty other hospitals and thirteen doctors' offices in the State of Florida and New Jersey. This is also in addition to these policies and protocol being used in various other hospitals throughout the country. Ms. Smit also settled a case in 1998 whereby a New Jersey Hospital paid \$700,000 to deaf patients and a jury verdict of \$400,000 which was reached last month in New Jersey against a doctor for failure to provide interpreters. Currently she has several other doctor and hospital cases pending in New Jersey. For further information please contact Clara R. Smit, Esq. at (732) 843-6600 or Matthew Dietz, Esq. at (305) 669-2822.