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TOP STORY

## Hospital settles lawsuit

Cheshire Medical to provide interpreters for deaf patients

By Casey Farrar Sentinel Staff

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### Hospital settles lawsuit

A Keene hospital has agreed to pay a \$25,000 federal fine and put in place a program to provide interpreters to patients who are deaf or hard of hearing in a settlement of a lawsuit alleging discrimination.

In documents filed last week in U.S. District Court in Concord, Cheshire Medical Center/Dartmouth-Hitchcock Keene disputed the discrimination claim and denied liability in the case, which is the second lawsuit against the hospital alleging discrimination against a deaf patient in seven years.



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“We agreed to this consent decree because we are committed to providing effective communications with our deaf and hard-of-hearing patients and we continue to focus on patient-centered excellence at the hospital,” said Sandra M. Phipps, senior director of development and communications. “It’s our commitment to provide compassionate, quality health care for every

patient every time and in our looking at the consent decree and examining programs in place, we do recognize that the level and consistency of services to our deaf and hard-of-hearing patients in the past is not what we expected and not what they deserved.”

The recently resolved case involved three visits to the hospital in October 2009 by a patient, Laura Waldren, who is deaf.

According to court documents, Waldren made an appointment at the hospital to see a doctor and requested a sign-language interpreter be present at the visit, which was scheduled for two days later.

When she arrived at the appointment, an interpreter was not available and doctors and nurses relied on written notes to communicate with Waldren, documents showed.

A few days later, Waldren contacted the hospital to inform officials that she needed to be seen in the emergency room and would need an interpreter.

Waldren’s mother, Jeanne Waldren of Vermont, drove her to the hospital, along with Waldren’s 9-year-old daughter.

When they arrived, hospital staff said a sign-language interpreter was not available and relied first on a faulty video interpretation system before requesting that Waldren’s mother interpret for them.

Waldren’s mother, who is not a trained sign-language interpreter, had difficulty explaining technical medical terms to her daughter, but felt she had to act as an interpreter for her daughter to receive medical care, according to the complaint filed by the U.S. Attorney’s Office.

And because Waldren’s mother had to be with her daughter in the examination room to serve as an interpreter, Waldren’s young daughter also had to be in the room while the doctors discussed sensitive medical issues with Waldren, the complaint said.



Following the emergency room visit, Waldren made a follow-up appointment a few days later and, again, an interpreter was not available so doctors relied on written notes and Waldren's mother to explain that she would need an outpatient surgical procedure, according to the court documents.

Waldren's mother was not in the room when doctors asked Waldren to sign a consent form for the surgery, which Waldren didn't understand, according to the complaint.

Throughout her visits, Waldren was never asked to sign a waiver form agreeing to see a doctor without an interpreter, which is part of the hospital's written policies, according to the complaint.

The hospital's policy on providing services for patients who are deaf or hard of hearing was stipulated in a 2005 settlement between the hospital and an unidentified patient and the Disability Rights Center, according to court documents.

According to the 51-page consent decree in the latest case, the hospital has 90 days to design a program to provide appropriate aids and services to patients.

Among the requirements of the settlement: the hospital must designate at least two staff members who are available round-the-clock to arrange for auxiliary aids, such as interpreters, when needed by patients; it has to compile a list of freelance interpreters within 30 days and sign a contract within 60 days with an interpreter to be available when needed; and it must create and maintain a log of requests for auxiliary services.

A team of hospital officials has been working for about three months on reshaping the hospital's program to improve services for people who need interpreters and building its network of sign-language interpreters who can work on-site when requested, said Phipps, the hospital's

spokeswoman

The hospital has added a new full-time staff position as coordinator for the hospital's interpretation services and is in the hiring process, Phipps said.

The agreement also requires training for staff members and postings in the hospital directing patients on how they can request interpretation services if they need them.

The N.H. Business Review reported that the hospital also reached a settlement with Laura and Jeanne Waldren that was not disclosed in court documents.

Casey Farrar can be reached at 352-1234, extension 1435, or [cfarrar@keenesentinel.com](mailto:cfarrar@keenesentinel.com).