Settlement Reached in ADA Complaint Filed by Disability Rights Rhode Island: $30,000 in Compensation, Revised Practices and Training at Elmhurst Rehabilitation and Healthcare Center

FOR IMMEDIATE RELEASE

Providence, Rhode Island, May 3, 2023 – Disability Rights Rhode Island (DRRI), the federally mandated Protection and Advocacy System (P&A) for Rhode Island, is pleased to announce that a complaint it filed with the U.S. Attorney’s Office for the District of Rhode Island has resulted in a settlement agreement under the Americans with Disabilities Act (ADA). The agreement is between the United States and Elmhurst Rehabilitation and Healthcare Center (Elmhurst). The complaint brought by DRRI was filed on behalf of a person who is deaf.

The settlement agreement requires Elmhurst to provide, free of charge, appropriate auxiliary aids and services, including qualified interpreters, to residents who are deaf or hard of hearing, whenever it is necessary to ensure effective communication for those individuals. Elmhurst will also provide ADA training to all staff members, and Elmhurst will compensate the complainant represented by DRRI in the amount of $30,000.

“A healthcare provider’s obligation to ensure effective communication with patients is the law, and compliance is not optional,” said DRRI Executive Director Morna Murray. “We appreciate the efforts of the U.S. Attorney’s Office in Rhode Island in reaching this agreement, and Elmhurst for agreeing to take these essential steps to ensure compliance with the Americans with Disabilities Act.”

Announced by the U.S. Attorney’s Office, the agreement resolves the complaint that Elmhurst violated Title III of the ADA by failing to provide effective communication to the complainant. https://www.justice.gov/usao-ri/pr/federal-government-reaches-settlement-providence-skilled-nursing-center-alleged. Elmhurst is a private medical practice that provides skilled nursing services, post-acute medical services, and rehabilitation programs in Providence, RI. Title III of the ADA requires places of public accommodation, including rehabilitation facilities, to take steps to ensure that individuals with disabilities are not excluded, segregated, or otherwise treated differently due to the absence of auxiliary aids and services, such as qualified interpreters.

The ADA authorizes the U.S. Department of Justice (DOJ) to investigate complaints and undertake periodic reviews of compliance by covered entities. It further authorizes DOJ to commence a civil lawsuit in federal court in any case that involves a pattern or practice of discrimination or that raises issues of general public importance, and to seek injunctive relief, monetary damages, and civil penalties.
The complaint alleged that the individual required a sign language interpreter for certain types of information and that the resident was not provided with a qualified interpreter or other effective means to communicate about complex topics such as medication administration and discharge planning during a lengthy four-week admission.

Disability Rights Rhode Island is an independent statewide non-profit organization that advocates for the human, civil, and legal rights of people with disabilities in Rhode Island. It is part of the national network of 57 Protection and Advocacy (P&A) agencies created by Congress, existing in every state and territory, to help secure and advance the rights of people with disabilities.

To learn more about Disability Rights Rhode Island, visit https://drri.org/

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