

FACT SHEET #20

Assisting Consumers with Communication Needs

Introduction

In order to be able to assist people with disabilities with their enrollment in a health insurance plan, effective communication is necessary. Some individuals within the disability community have communication-related needs. Enrollment navigators should be aware of how to properly communicate with people who have communication needs. This fact sheet provides background on what these communication needs are, the legal requirements around providing accommodations, and effective strategies to properly communicate with people who have communication needs.

Q1. What defines communication needs?

A. Communication needs can be, but are not limited to, needing sign language interpreters, video remote interpreting, large print materials, braille materials, captioning services, and other assistive devices. These services must be provided by law to people with disabilities due to the Americans with Disabilities Act (ADA)¹, which prohibits discrimination against people with disabilities in employment, transportation, public accommodations, communications, and access to state and local government programs and services, such as healthcare coverage. Additionally, Section 1557² of the Affordable Care Act (ACA) prohibits discrimination on the basis of race, color, national origin, age, disability, or sex in covered health programs and those receiving funding under the ACA, including health insurance navigators. Enrollment navigators must be able to meet an individual's communications needs to address and provide information for people with disabilities, especially as it relates to accessing information on healthcare and coverage. Communication is a key component for navigators assisting people with disabilities in obtaining health coverage via Marketplace plans or Medicaid.

Q2. What are the legal requirements for providing assistance?

A. Title II of the ADA³ prohibits discrimination against people with disabilities in accessing state and local government programs. The ADA requires state and local governments to communicate effectively with people with disabilities and provide reasonable accommodations. Section 504⁴ of the Rehabilitation Act prohibits discrimination against individuals with disabilities by entities that receive any federal funding. This includes access to programs, services and activities receiving U.S. Department of Health and Human

¹ <https://www.dol.gov/general/topic/disability/ada>

² <https://www.hhs.gov/civil-rights/for-individuals/section-1557/index.html>

³ <https://www.ada.gov/topics/title-ii/#title-ii-applies-to-statalocal-programs>

⁴ <https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/statutes/section-504-rehabilitation-act-of-1973>

Services federal financial assistance, such as Medicaid, the Children’s Health Insurance Program, and Marketplace plans.

Section 1557 of the ACA applies to any organization that receives funding through the ACA and requires entities to train staff on providing language assistance services for people with limited English proficiency and effective communication and reasonable modifications to policies and procedures for people with disabilities. It also requires covered entities to display a notice of nondiscrimination and the availability of language assistance services and auxiliary aids. Because navigators help consumers like people with disabilities understand their health coverage options and assist with the ACA Marketplace application, they must abide by nondiscrimination laws and provide accessible communication, including access to American sign language interpreters.

Section 508⁵ requires all federal departments and agencies to develop and maintain accessible electronic materials and information technology for people with disabilities. This can include auxiliary aids when a person requires them, as well as making all electronic programs and activities accessible. Because navigators receive federal grants from a federal agency (the Centers for Medicare and Medicaid Services), they must also ensure provide accessible information and services in a timely manner. For example, navigators should provide accessible materials in advance of or at the start of an appointment. This could include screen reader compliant materials for people who have low vision or are blind.

Q3. What are general communications best practices for the disability community?

- A. For all disability populations, Navigators should remember to speak clearly and directly, maintain eye contact, never assume a person’s preferred communication method, rephrase, or repeat questions, and potentially add more time to the appointment if needed. Navigators should speak using “people first” language, reflecting respect by putting the person before the disability, such as a “person with a disability” instead of a “disabled person.” Navigators should ask before providing assistance and should not be afraid to ask questions directly to the person if they are unsure of how to proceed. For more information, review NDNRC’s factsheet⁶ on disability etiquette.

Q4. What populations have specific communication needs?

- A. Effective communication requires navigators to consider the subject, duration, and complexity of concepts and information being communicated to specific populations. Those who have a disability may require additional communication efforts from navigators and should receive preferred alternative communication formats and techniques in a timely manner. Navigators should never make assumptions about a person’s disability and their needs.

⁵ <https://www.dol.gov/agencies/oasam/regulatory/statutes/section-508-rehabilitation-act-of-1973>

⁶ <https://nationaldisabilitynavigator.org/ndnrc-materials/fact-sheets/fact-sheet-17/>

Assisting consumers with communication needs also extends to family members and personal aides. For example, a navigator organization may need to provide auxiliary aid services (like an interpreter) to a mother who is deaf who is applying for health coverage for her hearing child through the Marketplace. In this instance, a navigator may be inclined to ask the child to act as an interpreter for the parent, but this only satisfies Marketplace regulation requirements for reasonable accommodation if the consumer requests having a friend or family member as the preferred alternative to the required and provided services. Navigators should never rely on family members to fulfill the legal requirements for interpreters unless the individual specifically requests it.

Deaf/hard-of-hearing (HOH) populations might require a sign language interpreter (not always American sign language), closed captioning for videos or virtual meetings, or Communication Access Realtime Translation (CART). Organizations should also consider hiring navigators who are fluent in American sign language to increase communication accessibility for those who are deaf/HOH. Let the person that is deaf or hard of hearing establish their preferred method of communication for the conversation, such as lip reading, sign language, note writing. Navigators should be prepared to speak with clear and understandable speech for those who lip-read, speak at normal volume unless requested by the consumer, and repeat information as needed.

The use of a pen and paper to further assist with communication can be helpful, however navigators should not talk while writing, as consumers who are deaf/HOH cannot read lips and the writing at the same time. Navigators should maintain eye contact with the consumer—not their interpreter—while keeping their hands away from their face/mouth and taking care not to turn away or walk around while communicating with the person. The meeting area should have proper lighting, as signing and lip-reading require clear visuals.

Another example of a population with communication needs is people who are blind or have low-vision. These people may require screen readers to access information on computers/smart devices, braille print materials, and/or more in-depth verbal explanations/descriptions. Large and bold print materials with enough space on forms, clear color contrast on papers such as black print on white paper, and videos with audio descriptions are helpful for people who are blind or have low vision. People with visual disabilities might also require auxiliary aids and services while navigators assist them.

People with speech/language disabilities may require access to assistive devices. Navigators should not make intellectual assumptions about their inability to speak. Be patient and do not interrupt or finish the person's sentence. Ask one question at a time. Navigators should allow verbal or typed responses instead of written responses on forms or applications. Finally, people with intellectual disabilities might require simplified and repeated information, visual support and cues, and the support of an aide or family member. Navigators should ask the person if they have any questions or require clarification, and they should repeat back what they understand the person to be saying to ensure comprehension.

Q5. What effect does effective communication have on access to healthcare coverage?

A. More than 6 in 10 non-elderly adults with disabilities who are enrolled in Medicaid do not receive Supplemental Security Income, which means that they qualify⁷ for Medicaid coverage on another basis. This highlights the importance of Medicaid coverage for the disability community. Healthcare coverage through Medicaid can lead to better healthcare education, decision making, and health outcomes for people with disabilities. This is why it is so important that enrollment navigators can effectively communicate with people with disabilities who have communications needs. As it relates to Marketplace coverage, the ACA states that health plans cannot discriminate based on a pre-existing condition, including a disability and can help make wellness and prevention services more affordable and accessible. Before the nondiscrimination provisions of the ACA, enrollees were very limited in what plans they could choose (if any at all). This is why an in-depth conversation needs to take place between the navigator and the enrollee to make sure that they are selecting a plan that is going to meet the individual's needs and proper and effective communication is important to make sure that that happens. People with disabilities will then be able to have improved communication with health insurance providers and increase levels of self-care as it relates to utilizing healthcare insurance. For these reasons, effective communication during the enrollment process is necessary to meet people with disabilities' needs in obtaining accessible and continuous healthcare coverage that will meet the needs of the individual.

Q6. What are some communication strategies that people with disabilities can use in healthcare coverage?

A. Navigators should provide an inclusive environment where people with disabilities feel comfortable in expressing their needs and concerns, including asking a navigator to repeat and/or rephrase information. People with disabilities should feel comfortable and confident in asking navigators for clarification on health information. Navigators are also prohibited from charging a person with a disability for supplying auxiliary aids and services that they require.

Q7. What are the differences between in-person and virtual meetings with consumers who have communication needs?

A. In-person meetings would require assistive services, devices, and interpreters to be on location and available for the consumer in a timely and accessible manner. In-person meeting spaces should accommodate those who used modified computers, smart devices, or telecommunication services like alternative keyboards, speech recognition software, and speakerphone options.

Virtual meetings can be an easier way to provide these services (for example, eliminating the need for the interpreter to be physically present), but this must be at the person's choice; organizations cannot require a person to receive services virtually. Even in a virtual meeting,

⁷ <https://www.kff.org/medicaid/issue-brief/people-with-disabilities-are-at-risk-of-losing-medicaid-coverage-without-the-aca-expansion/>

navigators must provide ASL interpreters, CART, closed captioning and 508- compliant materials, if necessary. Regardless of the meeting type, navigators should:

- Introduce themselves;
- Always ask before aiding, and wait until the offer is accepted to provide assistance; and
- Relay information clearly and slowly, speaking directly to the consumer and not their companion, aide, or interpreter.

Q8. Where can I find more resources on communication needs?

A. Here are some more resources that will help navigators in providing accessible and effective communication for people with disabilities as they assist in the enrollment process.

- Navigators can utilize resources via the U.S. Department of Justice Civil Rights Division on topics⁸ such as communicating effectively with people with disabilities.
- Navigators can find more information⁹ on disability etiquette from the American Association on Health and Disability.
- The Department of Health and Human Services hosted a “Working with Consumers with Disabilities” course.¹⁰
- The National Association of the Deaf provides resources¹¹ for effective communication for deaf/HOH populations.
- The Independent Living Research Utilization program has on-demand trainings on “Health Insurance Coverage and Health Care Access Disparities,¹²” “What CILs and CIL Consumers Need to Know about Health Insurance Open Enrollment,¹³” and “The Affordable Care Act and Persons with Disabilities: An Introduction and Overview.¹⁴”
- The National Center on Health, Physical Activity and Disability has resources¹⁵ for communicating with people with disabilities.

Conclusion

While this is not an exhaustive list of communication needs, it does provide context and resources for Navigators working with people with disabilities in obtaining healthcare coverage through the Marketplace or Medicaid. The Americans with Disabilities Act, Section 1557 of the Affordable Care Act, and Sections 504 and 508 of the Rehabilitation Act all note the legal

⁸ <https://www.ada.gov/topics/effective-communication/>

⁹ <https://aahd.us/wp-content/uploads/2021/03/Fact-Sheet-17-Disability-Etiquette.pdf>

¹⁰ <https://www.hhs.gov/guidance/sites/default/files/hhs-guidance-documents/08-Working-with-Consumers-with-Disabilities.pdf>

¹¹ <https://www.nad.org/resources/>

¹² <https://www.ilru.org/training/health-insurance-coverage-and-health-care-access-disparities>

¹³ <https://www.ilru.org/training/what-cils-and-cil-consumers-need-know-about-health-insurance-open-enrollment>

¹⁴ <https://www.ilru.org/training/affordable-care-act-and-persons-with-disabilities-introduction-and-overview>

¹⁵ <https://www.nchpad.org/1203/5835/Resources~for~Communicating~with~Individuals~with~Disability>

requirements that federal agencies and other entities, including navigators, have for providing accessible and effective communication and services for people with disabilities. As Open Enrollment continues at the same time as the Medicaid Unwinding, people with disabilities will need more assistance than in the past in obtaining healthcare coverage.