



Position Statement: Video Remote Interpreting (VRI)

The mission of the New Mexico Commission for Deaf and Hard of Hearing (NMCDHH) is to support effective communication access, as well as consumer choice regarding how effective communication access is achieved. As the use of Video Remote Interpreting (VRI) becomes more prolific, concerns have been raised in the Deaf, Hard of Hearing, and Deaf-Blind community regarding the use of VRI in a variety of settings and whether or not it provides effective communication access. NMCDHH shares these concerns.

NMCDHH has been working diligently with the community to advocate for the use of on-site interpreters instead of VRI when that is the preference of the deaf or hard of hearing consumer, and for use of certified and licensed interpreters for those consumers who prefer VRI.

The NMCDHH Department of Community Advocacy has consistently requested that any deaf, hard of hearing, or deaf blind consumers who have had negative experiences with VRI contact them so that they can collect data on this issue and provide advocacy services with the entities providing VRI. This topic has been discussed at NMCDHH Board meetings, New Mexico Association of the Deaf Board meetings, New Mexico Registry of Interpreters for the Deaf Town Hall meetings, NMCDHH staff meetings, and in several other venues.

The National Association of the Deaf (NAD) and the Department of Justice (DOJ) have released statements indicating that VRI is not effective in all circumstances, and that on-site interpreters may be required in those situations. For VRI to be effective, the consumer must be able to understand the VRI interpreter and vice versa, and the consumer must understand all communication at the appointment. In addition, all of the following technical requirements must be met:

- High-quality video images without lags, choppy, blurry, or grainy images, or irregular pauses in communication
- Image large enough to display the face, arms, hands, and fingers of both the interpreter and the patient
- Clear, audible transmission of voices
- Adequate staff training to ensure quick set-up and proper operation

When all of these conditions are not met, VRI is not effective, and therefore does not satisfy the requirement under the Americans with Disabilities Act for the provision of effective communication.

Additionally, the New Mexico Registry of Interpreters for the Deaf (NMRID) has published standards for effective use of VRI, which include:

- NMRID firmly believes that VRI interpreters must be highly qualified, and therefore must hold national certification. This certification qualifies interpreters for a New Mexico Community Interpreting license as outlined in the Signed Language Interpreting Practices Act.

- VRI is used in a variety of settings which call for specialized skills and knowledge. Hiring entities should ensure that they are using interpreters who are qualified for the interpreting setting be it mental health, healthcare, educational or law enforcement.

NAD's Advocacy Training provides a check-list of what consumers should do to assure effective communication access, and what to do if it is denied:

Before your Appointment

- Request it in advance (two weeks or more)
- Specify what you need: interpreter (what kind), CART, FM Loop, other assistive listening devices, etc.
 - "I require a qualified interpreter" or "I require a qualified CART writer"
- Find out who is the best person to contact: Front desk? ADA coordinator? Nurse?
- Ask that person!
- ALMOST NEVER bring your own accommodation!

At the Appointment

- Write out what you requested (interpreter, FM system, etc.)
- Write out that you don't understand
 - Keep the note or take a picture of it
- Ask/tell everybody you can
- Ask to meet with an administrator
- Keep a record of what you do

What to do if Communication Access is Denied

- Calmly explain the law
- Keep records of everything!!!
 - Write down:
 - The name and position of the person you contacted
 - The day and time you communicate with them
 - Exactly what they said
 - If you wrote notes to each other, keep them
 - Use email or letters to communicate and keep them
- **Contact an advocate**

If consumers experience ineffective VRI, we ask that they contact us. In order for NMCDHH to effectively educate entities using VRI instead of on-site interpreters, we must have sufficient data – and we are counting on the community to assist us with this advocacy work. Please contact:

Corina Gutiérrez
 Director of Community Advocacy
Corina.Gutierrez@state.nm.us
 505.435.9241 (Video Phone)

References

NAD VRI Advocacy and Other Legal/Policy Issues training –

<https://www.scribd.com/doc/285197533/VRI-Advocacy-Other-Legal-Policy-Issues#download>

NMRID VRI Standards -

<https://drive.google.com/file/d/0B0wulZnZS16WYzdvaV9aX1BWTXlfbmtqcGZqYmFyajZaNHJn/view>