

Purpose

The purpose of this document is to ensure that patients with hearing loss are able to use their own speech-to-text applications on personal devices when auxiliary aids or services are not provided by the healthcare entity and/or when the patient prefers to use their own device. Patients should not be denied effective communication during their healthcare visit based on this preference.

Audience

Healthcare staff, providers, compliance personnel, and patients.

Overview

This guidance provides clarity for healthcare providers regarding patients' use of personal speech-to-text applications during medical encounters. It outlines implications under HIPAA, federal disability rights laws, and provider responsibilities for ensuring effective communication.

Note: These issues often arise when providers do not proactively offer auxiliary aids and services. Federal disability rights laws require providers to ensure effective communication, meaning patients must be able to understand information, ask questions, participate in decisions, and express concerns with the same accuracy, timeliness, and comprehension as patients without communication disabilities.

Key Findings

- **No HIPAA Violation.** Patients who use their own speech-to-text apps do not violate the Health Insurance Portability and Accountability Act (HIPAA). HIPAA regulates how providers handle protected health information (PHI)—it does not govern how patients use their personal devices.
- Federal Laws Require Effective Communication. Providers are required to ensure effective communication under:
 - The Americans with Disabilities Act (ADA)
 - Section 504 of the Rehabilitation Act of 1973
 - Section 1557 of the Affordable Care Act (ACA)

These laws require that communication with patients with hearing loss be as effective as communication with patients without disabilities. Restricting a patient's personal communication tools may conflict with federal law if the provider is not otherwise ensuring effective communication.

Provider Responsibilities

Providers should be proactive in offering auxiliary aids and services so these situations do not arise. For example, providers can offer captioning on iPads or computers using HIPAA-compliant applications. Other auxiliary aids or services may also be appropriate depending on the patient's needs and preferences, such as personal amplification devices and assistive listening systems.

Recommendations

- Be proactive and document the patient's preferred auxiliary aid or service before the appointment, and maintain this information in a visible section of the medical record. Confirm that the patient finds the method effective.
- If communication barriers arise, offer auxiliary aids or services promptly. Ideally, these should be identified and available prior to the visit.
- Whenever possible, determine communication accommodations in advance of the appointment.

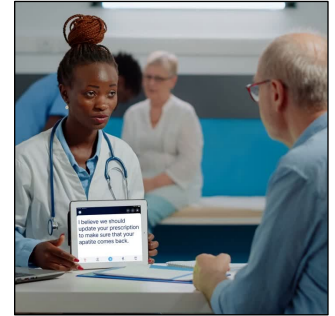


Photo credit: Ava captioning

Patient Use of Speech-to-Text Apps in Healthcare Settings (Abridged Version)

Bottom Line

Patients may use their own speech-to-text applications in healthcare settings. Providers must still ensure effective communication and should be prepared to supply auxiliary aids/services when needed. This approach upholds patient rights, ensures compliance with federal law, and reduces provider liability. Ultimately, providers should proactively offer auxiliary aids and services as required by law.

Resources

For additional resources to care for patients with hearing loss, visit the Center for Hearing Access

- All resources, including vendors: [Hearing loss accommodation in healthcare](#) (webpage)
- [Handouts](#) for Healthcare Providers (webpage)
- Captioning resources, including [HIPAA compliant apps](#) (webpage)
- Statistics
 - [Hearing Loss](#), General Statistics (1 page)
 - [Hearing Loss and Healthcare](#) Statistics (webpage)
- Avenues for Patients to Submit [Discrimination Complaints](#) (webpage)

This handout is for educational purposes only and does not constitute legal or medical advice. For specific guidance, consult a qualified attorney or healthcare professional.

Developed by Kathy Johnson

About the Center for Hearing Access

Founded in 2024, the nonprofit Center for Hearing Access is a national advocacy and education initiative of The John G. Shedd Institute in Eugene, OR. We champion and educate users, facility staff, audiologists, and hearing instrument specialists about all ADA-compliant assistive listening systems and other strategies to increase access to healthcare, theaters, libraries, conferences, government offices, courtrooms, places of worship, and other public and private spaces.

- We create and provide advocacy materials, ADA information, a speaker's bureau, videos, articles, vendor lists, and templates for consumers and staff.
- Our website has 150+ webpages, 1000+ hyperlinks, and 150+ handouts.
- The Center for Hearing Access provides educational and informational resources and does not endorse any product, business, or service.

About Hearing Loss Accommodations in Healthcare Initiative

A national collaborative initiative with the Center for Hearing Access, state agencies, and skilled advocates, all of whom have lived experience. The work focuses on patients with hearing loss who use the spoken language to communicate (and do not use sign language). The goals are to:

1. Increase providers' awareness of barriers to effective communication with their patients and ways to enhance their processes and websites to achieve effective communication access for their patients.
2. Increase patients' knowledge about their rights and ways to advocate for and achieve communication access in healthcare.

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