

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, and compliance personnel.

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.

Questions

Do patients with hearing loss, using their own speech-to-text app in a healthcare setting, violate HIPAA?

No. Patients using their own speech-to-text app while receiving care do not violate HIPAA.

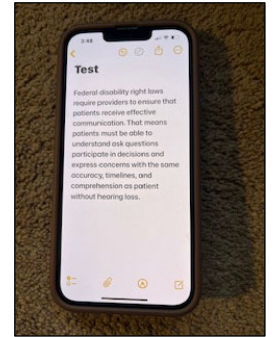
What about HIPAA and Data Security?

From a HIPAA privacy and security rule perspective, if a patient chooses to use their own application, responsibility for data security rests with the patient. Providers, however, must ensure they do not transmit protected health information (PHI) directly into third-party apps unless appropriate safeguards are in place on the provider's own devices and apps. Providers are not responsible for the security of applications or devices owned or controlled by the patient.

What are the Provider's Legal Responsibilities for Effective Communication

Federal disability rights laws require providers to ensure that patients have effective communication. This means 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 such as hearing loss.

Under the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act, and Section 1557 of the Affordable Care Act (ACA), providers are legally required to ensure effective communication with patients who have hearing loss. Patients with hearing loss must have equal access to healthcare information. Denying access to tools that support understanding could violate their rights and contribute to poor health outcomes.



Patient Use of Speech-to-Text Apps in Healthcare Settings (Guidance for Providers, Complete Version)

While patients may choose to use their own devices and apps, the provider's legal obligation to ensure effective communication remains. In such cases, providers and staff should confirm with the patient whether the app or tool provides effective communication. If the patient indicates it is insufficient, the provider must supply appropriate auxiliary aids or services such as

- Computer-generated captions, also known as speech-to-text apps/devices and automatic speech recognition (ASR)
- Human-generated captions, also known as Realtime captioning or Communication Access Realtime Translation (CART)
- Personal amplifiers
- Counter hearing hoops
- Other appropriate communication tools

Providers should document in the patient's record that the patient chose to use their own device and confirmed its effectiveness. If a patient's device or app does not allow effective communication, the provider must offer appropriate auxiliary aids or services.

Can Patients Waive Their HIPAA rights?

No. Patients cannot "waive" HIPAA rights. HIPAA applies to covered entities – such as healthcare providers and health plans, not to patients themselves. When a patient uses their own device or app, it is not a HIPAA violation.

Is it a Liability Risk if a Patient Uses Their Own Speech-to-Text App?

Generally, no. If the patient independently chooses to use their own app, the provider's liability risk is minimal. The primary risk arises if the provider relies on the patient's device or app as a substitute for providing effective communication, but it is later determined that communication was not effective.

Best Practices

- Ask the patient if their app is working effectively for them and if they understand the information being shared.
- Document in the medical record that the patient chose to use their own device and confirmed it was effective, in accordance with ADA requirements for effective communication.
- Offer reasonable auxiliary aids or services if the patient says the app is not effective, consistent with ADA obligations.
- Ask the patient what auxiliary aids or services are needed and make them available prior to the appointment.

Bottom Line for Providers

Patients have the right to use their own communication tools. Providers should ensure that these tools support effective communication, document the discussion, and be prepared to provide auxiliary aids or services if needed. This approach protects both patient rights and provider liability. If providers are concerned about liability, the safest approach is to proactively offer appropriate auxiliary aids and services to patients to ensure effective communication with patients with hearing loss.

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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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