NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
658

HEARING IMPAIRED INMATES

Supersedes: AR 658 (Temporary, 04/13/15)
Effective Date: 05/19/15

AUTHORITY:

Title II of the Americans with Disabilities Act (ADA)

RESPONSIBILITY:

The Wardens, the ADA Coordinator/Associate Warden over programs and the Director of Nursing of the institutions/facilities are responsible for the operational control and administration of this procedure and ensuring its provisions are followed.

658.01 INITIAL INTAKE PROCESS

1. At intake, the Department will identify inmates who may be deaf or hearing impaired. Identification of a hearing impairment, that has not already been identified in intake process documents, is the responsibility of custody or medical staff who take note of any perceived hearing impairment.

2. Medical staff will assess inmates who are hearing impaired and may require ADA accommodations. If it is determined that an identified inmate may require services the inmate will be scheduled to be evaluated by a practitioner (physician or mid-level provider) within 48 hours.

3. If the practitioner determines that an identified inmate qualifies for reasonable ADA accommodations, the practitioner will be responsible to submit a request to the Utilization Review Panel for a consult by an outside specialist to determine the level of hearing loss and appropriate care for the inmate. Once the hearing deficit has been confirmed and a course of treatment ordered, the inmate will be seen by a committee consisting of the ADA coordinator, medical staff and classification to determine appropriate accommodations and services based on the treatment ordered. A memo to all staff will be generated by the ADA coordinator indicating the services that will be provided and any other special handling instructions. Copies of the memo will be placed in the inmate's I-file and medical file.

4. Once the appropriate level of care and the inmate's needs have been determined the inmate will be eligible to be reviewed by Classification staff to determine appropriate

institutional placement. Classification staff shall consider security concerns and appropriate programming availability at various institutions.

658.02 ACCESS TO AUXILIARY AIDS AND SERVICES

1. The ADA coordinator will ensure that deaf and hearing-impaired inmates are provided access to auxiliary aids and services when required for effective communication in accessing and participating in department programs, services and activities. Such programs, services and activities include but are not limited to the following:

A. Intake assessments and classification

B. Institutional orientation

C. Medical and mental health services

D. Substance abuse and other treatment programs

E. Inmate work and education programs

F. Program, housing, classification, release and other status reviews

G. Disciplinary hearings, grievances, discrimination complaint, and other administrative processes for review of decisions and actions by department staff affecting inmates

H. PREA reporting and/or follow-up with any PREA concerns

2. Auxiliary aids and services for deaf and hearing-impaired inmates may include but are not limited to the following:

A. Handwritten or typed notes if the communication is short and simple

B. Qualified sign language interpreters, when available, if the communication is not short and simple (either in person or video interpretation) and for large meetings and events

C. Real-time captioning of video materials, when available

D. Open or closed captioning of video materials, when available

E. Written transcripts or outlines

F. Visual notifications such as a flashing light or flashcard

G. A sign on a cell door or vest/shirt notifying staff of a hearing-impaired inmate

H. Other methods of making aurally delivered materials accessible to people with hearing impairments

3. When an auxiliary aid or service is requested by a deaf or hearing-impaired inmate, the ADA coordinator will consult with the inmate to determine what aid(s) will be effective. Staff will give primary consideration to the inmate's choice unless another equally effective means of communication is available and/or provision of the auxiliary aid or service requested by the inmate would result in an undue financial or administrative burden to the Department or a fundamental alteration of the program, services or activity.

4. After documenting an inmate's need for auxiliary aids and services for effective communication, staff will continue to provide auxiliary aids and services to the inmate unless the inmate affirmatively indicates that he or she does not want such services, or the Department determines such services are no longer required under the ADA.

658.03 MEDICAL SERVICES

1. Medical will be responsible for keeping appropriate records regarding hearing-impaired inmates and medically necessary aids and services.

2. Medical will be responsible for purchasing and keeping an appropriate stock of the most frequently used hearing aid batteries. Batteries for hearing aids not provided by the Department will be ordered upon written request by the inmate. Batteries that are in stock will be replaced by the next business day. Batteries that are not stocked will need to be ordered. The ordering process will be initiated by the next business day of the received written request. Inmates must turn in their old batteries to obtain new ones.

3. Medical staff must be notified in writing by the inmate if the inmate's hearing aid is damaged or in need of repair. The hearing aid will be sent out by the Department to a repair company by the next business day with a request for estimate or quote of the estimated charges to repair or replace the hearing aid. The completed estimate or quote will be sent to the Utilization Review Panel for authorization. Any damages that are determined to have been caused by the inmate may be subject to NRS 209.246 charges, which require the inmate to pay 100% of the cost of repair or replacement. Medical shall inform the inmate when the hearing aid was sent to the repair company and when it is expected to be returned. Medical will maintain written documentation of all hearing aid repairs, including the vendor used, the date of the repair and the specific repairs performed in the inmate's medical file. While a hearing aid is out on repair, the inmate will be provided with an alternative means of reasonable accommodation.

658.04 TELEPHONES

1. Telecommunications Typewriters (TTY) are also known as Telecommunications Device for the Deaf. The Warden shall ensure that written procedures are developed and implemented to provide TTY's for inmates who are deaf or hearing-impaired in a manner that ensures effective access to telephone services.

2. In light of the fact that telephone calls placed via a TTY unit take three to five times longer than telephone calls placed using standard voice equipment, NDOC shall not impose on TTY calls a time limit of less than four times the time allowed for voice telephone calls.

APPLICABILITY

1. This administrative regulation does require an operational procedure.

2. This administrative regulation does require an audit.

Medical Director — JUN 1 5 2015 Date

Director — 6/19/15 Date