



LAWSUIT ALLEGES DISCRIMINATION OF DEAF AND HARD OF HEARING TENNESSEANS UNDER CARE OF STATE OF TENNESSEE

FOR IMMEDIATE RELEASE

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View this press release in American Sign Language (ASL): <https://youtu.be/1n-f2kLc2oQ>

NASHVILLE, TN – Five plaintiffs with counsel from Disability Rights Tennessee (DRT) and Baker, Donelson, Bearman, Caldwell & Berkowitz, PC allege that the State of Tennessee, Tennessee Department of Developmental and Intellectual Disabilities (DIDD), and Tennessee Department of Mental Health and Substance Abuse Services (DMHSAS) discriminate against service recipients who are Deaf and use American Sign Language (ASL) to communicate. The Plaintiffs state that these departments charged with their care are not providing services in their language, ASL. This leaves them without effective communication, isolated and alone in their group homes and treatment centers, and unable to participate in necessary services.

ASL is a visual language, complete with its own grammar and syntax that uses signs made by moving hands with facial expressions and body postures. It is not English. For Deaf individuals to have equal access to DMHSAS and DIDD’s programs and services—including critical mental health and rehabilitative services—the programs and services must be presented in a language Deaf individuals can access and understand, ASL. However, these services are largely presented to Deaf individuals in written or spoken English and are, thus, inaccessible, and meaningless to them.

“The State, DMHSAS, and DIDD promote a person-centered system of care, where the individual and their unique needs comes first. A person-centered system of care requires, at its core, effective communication with the service recipient,” explains Stacie Price, Disability Rights Tennessee (DRT) Attorney. “However, Deaf individuals who receive services through DMHSAS and DIDD are not getting person-centered care because their services and programs are not being delivered in a language they can understand---ASL. The State should not treat someone differently because they are Deaf. Deaf individuals have the same rights to equal government services and effective communication as hearing recipients of State services. The State’s failure to provide necessary services and effective communications puts Deaf individuals at unnecessary risk for isolation and harm.”

The Plaintiffs are being denied access to services widely available to hearing individuals. Without access to these essential services in ASL, the Plaintiffs are denied treatment, the opportunity to increase their quality of lives, and to achieve recovery and transition to independent living. For instance, the Plaintiffs who receive services from DMHSAS are placed in mental health treatment groups but are unable to understand other group members and professionals or to communicate with them. The Plaintiffs who

receive services through DIDD have similar experiences. They are being denied access to rehabilitative, employment, safety, and habilitative programs. The most basic form of habilitation—learning to communicate effectively with the world around them is not being made available.

Communication is essential to being a part of and engaging in community and having a meaningful life. It is essential to both receiving adequate care and connecting with friends and neighbors. For the named Plaintiffs, the denial of effective communication has caused harm, degraded language skills, and barred them from meeting their potential and living meaningful lives. People with disabilities are valuable members of our communities capable of engaging in work, service, and learning when they receive appropriate supports.

Unfortunately, the communication barriers experienced by these plaintiffs are not unique. DRT is regularly contacted by people with disabilities who experience discrimination when they are not provided effective communication. Therefore, this complaint is being filed to assist D/deaf and hard of hearing service recipients in obtaining essential services.

If you are having a similar problem, DRT may be able to help. Please contact DRT at 1-800-342-1660.

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This press release is available in ASL: <https://youtu.be/1n-f2kLc2oQ>. It is also available in alternate formats upon request. Please contact Kelsey Loschke at kelsey@disabilityrightstn.org.

Disability Rights Tennessee (DRT), formerly Disability Law & Advocacy Center of Tennessee, is the designated protection & advocacy agency for Tennessee. DRT provides free legal advocacy services to protect the rights of Tennesseans with disabilities. For 40 years, DRT has served over 50,000 people through direct services, education, and systemic advocacy. <https://www.disabilityrightstn.org/>

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