



Info Sheet:

Real-time Captioning Services in Healthcare Settings

The Americans with Disabilities Act (ADA) is a federal law that protects people with disabilities from discrimination and mandates access to places and services. Title III of the ADA applies to places of public accommodation.¹ Places of public accommodation include hospitals and professional offices of a healthcare provider, like a doctor's office, an imaging center, or a physical therapy center.² In addition to the ADA, Section 1557 of the Affordable Care Act (ACA) is a separate federal law that applies to hospitals and other healthcare entities receiving federal financial assistance, like Medicare and Medicaid funding.³

Under both laws, healthcare providers must provide effective communication to patients with disabilities, as well as to patient companions who are individuals with disabilities.⁴ For example, a parent with a disability who attends their child's medical appointments would be a patient companion who is also entitled to effective communication during appointments.

Healthcare providers must provide appropriate auxiliary aids and services when necessary to ensure effective communication with the person with a disability.⁵ "To be effective, auxiliary aids and services must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability."⁶

"Auxiliary aids and services" is a legal term in the ADA that refers to the ways people with communication disabilities communicate. Auxiliary aids and services can include a wide range of communication tools, like notetakers, ASL interpreters, assistive listening devices, audio recordings, text telephones (TTYs), and captioned telephones.⁷ What auxiliary aids or services an individual with a disability requires will depend on the individual's communication needs. It also depends on the time, length, complexity, and content of the

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communication, and the context of where the communication is taking place.⁸

Auxiliary aids and services are not one size fits all and healthcare providers must give primary consideration to the individual's preferred auxiliary aids or services.⁹ Primary consideration means the entity must provide the requested auxiliary aid or service, unless the entity can prove that there is another equally effective means of communication available, or that providing the requested auxiliary aid or service will either 1) impose an undue burden, or 2) will fundamentally alter the nature of the program.¹⁰ Even if a requested accommodation would present an undue burden or a fundamental alteration, the entity still must provide an alternative auxiliary aid and/or service that provides effective communication if such an aid and/or service is available.¹¹

Auxiliary aids and services include real-time computer-aided transcription services, more commonly known by its acronym, CART (Computer Assisted Realtime Transcription), or real-time captioning.¹² The U.S. Department of Justice's guidance on the ADA's requirements for effective communication explains CART as a service "similar to court reporting in which a transcriber types what is being said at a meeting or event into a computer that projects the words onto a screen."¹³ For people who are Deaf or Hard of Hearing that do not use sign language, real-time captioning is a commonly requested auxiliary aid and service to ensure effective communication.

With today's technology, people receiving CART services can often use a link to open the text transcription in a browser on their smartphone to follow along in real-time. Additionally, CART services can be provided in-person, with the transcriber in the same physical location, or remotely, where the transcriber is in another location and providing transcription services based on an audio stream.

Sometimes, people are offered alternatives to CART, like writing and exchanging physical written notes in real time. Exchanging brief written notes may be effective communication in some circumstances—like if a Deaf person wants to order a meal at a restaurant. But, if the communication is more complex than a simple, brief exchange, exchanging written notes is unlikely to be effective communication.

CART can be an effective accommodation in healthcare settings because it provides the visual text transcript of what the person is saying in real time—not a summary of notes or questions written onto the page. This facilitates the real-time exchange communication of complex information and ensures that the Deaf or Hard of Hearing individual can understand what is being said to them, provide accurate information, and ask informed questions, as dialogue. A

doctor's office is a classic setting, even used in the DOJ guidance as an example, of when the information being communicated is more extensive or complex and there is a need for real-time dialogue.¹⁴

Resources for learning more about CART services:

- [U.S. Department of Justice \(DOJ\) – ADA Requirements: Effective Communication](#)
- [The National Association for the Deaf \(NAD\)](#)
- [The Association for Court Reporters and Captioners \(NCRA\)](#)
 - [NCRA – CART Services Flyer](#)
 - [NCRA – Search for Certified Realtime Captioners](#)

¹ 28 CFR § 36.102.

² 28 CFR § 36.104.

³ 45 CFR § 92.2.

⁴ 28 CFR § 36.303(c)(1).

⁵ 28 CFR § 36.303(a).

⁶ *Id.*; CFR § 35.160(b)(2); *see also* 45 CFR § 92.202(b).

⁷ 28 CFR § 36.303(b).

⁸ 28 CFR § 36.303(c)(1)(ii).

⁹ While Title III of the ADA requires only for covered entities to consider a person's preferred auxiliary aid and/or service, *see* 28 CFR § 36.303(c)(ii), the ACA incorporates the standard for effective communication from a different part of the ADA called Title II. 45 CFR § 92.202(a); *see also* 28 CFR § 35.160. Title II requires covered entities to give primary consideration to a person's requested auxiliary aid and/or service, not just consider the requested auxiliary aid and/or service. 28 CFR § 35.160(b)(2).

¹⁰ 28 CFR § 35.160(b)(2); 28 CFR § 35.164.

¹¹ 28 CFR § 35.164.

¹² 28 CFR § 36.303(b)(1).

¹³ U.S. Dept. of Justice, ADA Requirements: Effective Communication, last updated February 28, 2020, accessed May 11, 2026, <https://www.ada.gov/resources/effective-communication/>.

¹⁴ *Id.*