

Frequently Asked Questions (FAQs) and Answers on Video Remote Interpreting (VRI)

(Updated 7/6/2014)

What is VRI?

Video Remote Interpreting enables communication between one (or more) hearing and one (or more) d/db/hh person(s) who are in the same location through the use of an interpreter who is at a different location by using an electronic (typically internet based) audio and visual connection. The d/db/hh person(s) and the interpreter communicate with each other in sign, and the hearing persons(s) and the interpreter do so in spoken language. From a purely technical perspective, VRI functions similarly to VRS (Video Relay Services), but the differences between the two are fundamental and the law treats them very differently.

Where can I learn about the differences between VRI and VRS, including things like how they are used, structured, funded and regulated?

The FAQs on Video Relay Services (VRS) provide information on the differences between the two. Understanding these differences will provide a good background foundation for the remaining FAQs on VRI. If you are unfamiliar with VRI and/VRS it is suggested you review those FAQs first.

Do the Michigan's Deaf Persons' Interpreters Act and the Michigan Qualified Interpreter Rules apply to VRI?

Yes. The Act and Rules both apply to VRI. The Michigan Deaf Persons' Interpreters Act provides that whenever a business or service provider in Michigan is required to provide an interpreter, the interpreter appointed must be qualified as defined by Michigan laws and rules. The initial, and primary, legal responsibility for ensuring the interpreter is qualified thus falls upon the "appointing authority." Thus, it does not matter where a particular interpreter is located; when the appointing authority is located in Michigan it is required to provide an interpreter who is recognized as qualified in Michigan.

Must a VRI interpreter working in another state be certified in Michigan in order to provide VRI services for communications taking place in Michigan?

Yes, at least in any instance where the interpreting is being provided as a legally-required accommodation. While at first blush it might seem that Michigan's laws and rules should not apply to an interpreter who lives and works in another state, this generalization is only partially true. Because Michigan law only permits an appointing authority to utilize VRI interpreters who are certified as qualified by the state, an interpreter in another state who wants to be available for such an appointment must verify his or her qualifications by registering with the state and agreeing to abide by the state's requirements. An interpreter who violates the rules placed upon Michigan's qualified interpreters is potentially subject to discipline, including revocation and/or denial of their Michigan qualified certification.

When can VRI be used?

The Michigan rules recognize that VRI may be appropriately used in two situations. First, as a temporary measure often in emergency situations, VRI may be used to bridge the gap between the time when the need to provide an interpreter becomes known and the time when an appointing authority is able to provide an interpreter in person. The second situation is whenever the d/db/hh person receiving the accommodation indicates that they believe doing so will enable effective communication (or at a minimum does not indicate otherwise when told that VRI may be used), and even then VRI's continuing use remains subject to the d/db/hh person indicating at any time that effective communication is not being achieved.

I don't like VRI, can an appointing authority insist on using it anyway?

Yes. If an interpreter is necessary in order for you to have access to communication equal to that available to others, the appointing authority is required to provide a qualified interpreter and establish effective communication. Although both common sense and common decency would indicate that you be consulted about the best way to provide communication that is effective for you, the law does not require that an accommodation be the one that works *best* for you, only that it be one that works.

But VRI isn't effective for me?

If VRI isn't effective for you then it cannot be used when an in-person interpreter could have been provided. You may have tried VRI using equipment similar to what is being offered, and know that you could not communicate effectively. Or perhaps your eyesight makes it difficult to see images on a video screen. For whatever reason, if you have a good faith basis for stating that VRI won't be effective, then it may not permissibly be used if an in-person interpreter could be.

When Rule 55 (Section 13) says a medical facility "inform" a patient of the intent to use VRI, does mean the patient has no say in whether VRI can be used?

No, this provision does not change whether VRI can be used, nor the importance placed on whether VRI is effective for the specific patient. Rule 55(13) does not give the hospitals the ability to inform the patient of a final *decision* to use VRI – it requires that the hospital inform the patient of any *intent* to use VRI in advance of the patient's appointment. Requiring that the patient be informed of the preliminary decision to use VRI does not limit the patient's ability to tell the hospital that VRI does not provide effective communication; it simply moves the conversation to an earlier point in time, when it can become meaningful.

Prior to these rules, a patient too often discovered that the medical facility intended to substitute VRI for an in-person interpreter only upon showing up for the appointment. When that would happen, the patient did have a legal right to object to the VRI if it wouldn't work effectively for them, but if they did so their appointment would be delayed while an interpreter was located, or they could be required to make a new appointment altogether.

The rules require that a patient be given advance notice, which allows the patient to raise the issue when a change can be made in a timely manner.