



Heard in Fort Worth

Newsletter of the Hearing Loss Association of Fort Worth

August, 2011



MOVIE:

THE KING'S SPEECH

At our Meeting on Saturday, August 13

*THE INSPIRING STORY OF A KING'S OVERCOMING A COMMUNICATION DISABILITY
AND RALLYING THE BRITISH PEOPLE ON THE EVE OF WORLD WAR II*

Academy Award Winner:

Best Picture, Best Actor (Colin Firth), Best Director, Best Original Screenplay, and Many More!

After the death of his father King George V and the scandalous abdication of King Edward VIII, Bertie [Albert], who has suffered from a debilitating speech impediment all his life, is suddenly crowned King George VI of England. With his country on the brink of war and in desperate need of a leader, his wife, Elizabeth, the future Queen Mother, arranges for her husband to see an eccentric speech therapist, Lionel Logue. After a rough start, the two delve into an unorthodox course of treatment and eventually form an unbreakable bond. With the support of Logue, his family, his government and Winston Churchill, the king will overcome his stammer and deliver a radio address that inspires his people and unites them in battle. Based on the true story of King George VI, *The King's Speech: Rated PG-13*, follows the royal monarch's quest to find his voice.

NOTE: This movie is rate PG-13 because of occasional use of language that some may find offensive. It is, however, essential to the story line. That is, he does not stammer when he curses. We think the value of the story of his overcoming his speech problem is greater than the relatively minor use of foul language. "Viewer discretion is advised." Yes, it's speech, not hearing, but we think it's worthwhile and enjoyable. Please come and join us. "It's cool inside."

The Video is Captioned.

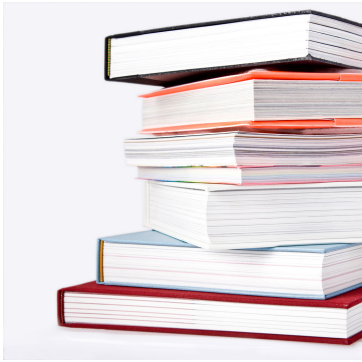
This is a social event!

We'll have fun together as we watch this outstanding movie.

Bring your favorite movie snacks to share with others.

Saturday, August 13, 2011, 10 AM to Noon

At the Goodrich Center, 2500 Lipscomb St. Fort Worth



PAULETTE'S POSTS

My husband and I rarely go to first run movies because they aren't captioned. We needed to do something that did not involve much activity, so we made an exception recently. I had already verified that the venue had headphones for an infrared system. The young lady at the ticket counter opened a new box of headphones and took my driver's license. Unfortunately, after trying three pairs, I gave up because they didn't work. I was not happy.

What I didn't know was that while we were watching the movie, two managers were trying to find out what the problem was. When we returned the headphones, the managers told us that the system worked in all the theaters of the complex but ours. This was a new movie complex, and they wanted to identify the problem and call the vendor. They were genuinely concerned that something was wrong, but also mentioned that the headphones were hardly ever used. We had an interesting conversation in which I mentioned that someone with a hearing aid might benefit more from a receiver and an inductive loop if they have t-coils. One manager, who was training to open a new location in another city, took notes. They gave us free passes, and we thanked them for trying to resolve the issue.

While assistive devices at movies can be helpful for some of us, captioning will provide access to many more people. A check of captionfish.com on 6/12/2011 listed two theaters providing captioned movies in Tarrant County. HLAA asked members to submit comments to the Department of Justice by 1/24/2011 about changes to require movie theater owners and operators to show captioned movies. HLAA's position on movie captioning is:

- All movies should be made accessible to movie goers with hearing loss though captioning.
- People with hearing loss should be able to see any movie at any time on any day.
- There are many ways to caption movies today. HLAA does not specify the method used to caption the movie so long as it provides effective communication.

(http://www.hearingloss.org/doj_moviecaptions.asp)

The National Association for the Deaf (NAD) provides some excellent resources on its movie captioning page (<http://www.nad.org/issues/technology/movie-captioning>). A timeline of captioned movie access advocacy and captioned movie access court cases is provided. The "Get Involved" section lists excellent suggestions for individual advocacy on a local level. It's not too late to make a difference.

— Paulette Rook (paulette.rook@gmail.com)

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Only **Hearing Loss Association of America** provides a national advocacy presence, a website with reliable, organized, and archived answers to questions about hearing loss and assistive technology, the *Hearing Loss Magazine*, with credible, current information, over 200 local support chapters and 14 state organizations, discounts to annual national conventions and many regional conferences. For \$35 per year, less than 70 cents a week, we give you information and encouragement to be a vital person in our hearing world. We are here for you because you care enough to be a part of the national concern for hearing loss. We appreciate your membership. If you have not become a national member, information and instructions are available at www.hearingloss.org.

Police Officers “Don’t Get It,” Critic Says

Last month, we published articles about what to do when stopped by the police. One article reported on a public meeting held by the Fort Worth Police Department at Goodrich Center for the Deaf and Hard of Hearing. The article cited Officer David Segura as instructing drivers just to “keep your hands on the wheel,” when stopped by the police.

After our newsletter went out, we received a call from Dr. Neil Bauman, of Pennsylvania. (He had given us permission to reprint material about using visor cards from his website, which we published in part.) Bauman called about the officer’s instructions to keep hands on the wheel and to ask permission to show the visor card.

Bauman was incensed. “They don’t get it!” he fumed. He mentioned several instances of police mistaking a deaf or hard of hearing person’s vehicle for a suspect or criminal’s vehicle and subjecting the driver to excessive use of force because the driver did not respond as ordered. Deaf individuals have been put in life-threatening situations in this way. His information is intended to change that scenario.

He recommends placing the “Driver is Hard of Hearing” or “Driver is Deaf” card on the back side of your sun visor. If the police stop you, as you are pulling over, he said, you flip the visor down and turn it to the side so the card shows in your window. You don’t have to do anything else. Just position the visor and card and then put your hands on the wheel and stay there, waiting for instructions.

Then when the police approach, they will see the notification of hearing loss. Bauman also suggests getting a visor card for the passenger’s side because sometimes the police approach from that side of the vehicle for their own safety reasons.

See his website, <http://www.hearinglosshelp.com/articles/visorcards.htm>, for full details. Neil Bauman, Ph.D., is an advocate and the author of books on hearing loss, tinnitus, and ototoxic drugs.

FCC Sets Deadlines for Internet TV Captioning

AT&T’s U-verse TV, Verizon’s FIOS, and other services like Netflix and Hulu deliver TV content over the Internet – if you have the right stuff. But will these services deliver the captions? They will – soon, according to new FCC rules.

July 24, 2011 – The FCC’s Video Programming Accessibility Advisory Committee delivered its report on closed captioning last week, setting in motion a six-month time period for new rules requiring captions on the Internet. [HLAA is a member of the advisory committee.]

“Given the goal of providing closed captioning for television programming delivered over the Internet, the fundamental performance objective is that regardless of how the captioned video is transmitted and decoded, the consumer must be given an experience that is **equal to, if not better than**, the experience provided as the content was originally aired on television,” the report, dated July 13, said.

The law requires the FCC to release advanced captioning rules within six months of receiving the report. [By] next January, captioning for live and near-live programming must be online. By next July, all prerecorded programming “substantially edited” for the Internet must be captioned.

The report recommends performance objectives, technical standards and regulations. No information can be lost in the transcoding process, including spelling, positioning, timing and presentation. ...

WGBH-TV in Boston first introduced closed captioning in the 1970s on Julia Child’s PBS program, “The French Chef.” Congress mandated closed captioning for most television programming in the 1996 Telecommunications Act. President Obama extended closed captioning to Internet-distributed TV shows last October with the Twenty-First Century Communications and Video Accessibility Act of 2010.

Americans with Disabilities Act Turns 21

President Barack Obama issued a proclamation marking the 21st anniversary of the ADA, July 26, 2011. And this year a number of revisions to the ADA and its regulations went into effect on March 15.

The Presidential Proclamation began, “Generations of Americans with disabilities have improved our country in countless ways. Refusing to accept the world as it was, they have torn down the barriers that prohibited them from fully realizing the American dream. Their tireless efforts led to the enactment of the Americans with Disabilities Act (ADA), one of the most comprehensive pieces of civil rights legislation in our Nation’s history. On this day, we celebrate the 21st anniversary of the ADA and the progress we have made, and we reaffirm our commitment to ensure equal opportunity for all Americans.”

The President lauded the “immeasurable contributions to the diversity and vitality of our communities” of persons with disabilities and the ways in which they are now able to lead fuller lives.

“Despite these advancements,” he continued, “there is more work to be done, and my Administration remains committed to ending all forms of discrimination and upholding the rights of Americans with disabilities...”

“...Together, we can ensure our country is not deprived of the full talents and contributions of the approximately 54 million Americans living with disabilities, and we will move forward with the work of providing pathways to opportunity to all of our people,” the President concluded.

Source: White House news release, July 25, 2011, posted on DeafNetwork

The ADA - What’s in it for You? “Effective Communication”!

The Americans with Disabilities Act (ADA) is a federal civil rights law that ensures civil rights protection to persons with disabilities. The ADA is a comprehensive anti-discrimination law that extends to most areas of society and most aspects of daily living.

Title III of the ADA requires places of public accommodation to be accessible to, and usable by, people with disabilities. Reasonable modifications must be made to policies, practices, and procedures so that people with disabilities may participate. Auxiliary aids and services that ensure **effective communication** must be provided as long as they do not create an undue burden or fundamentally alter the services that the program offers. [Business places and professional offices are included.] 28 C.F.R. § 36.303(f) [CFR is the Code of Federal Regulations.]

An undue burden does not occur if the cost of a ticket to [an] event [or the fee for providing a service] is less than the cost of providing an interpreter or auxiliary aid. An organization’s financial state in its entirety must be considered in order to determine if an undue burden exists.

Auxiliary aids and services required by the ADA for deaf and hard-of-hearing people include:

Qualified interpreters, notetakers, computer-aided transcription services, written materials, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunication devices for deaf persons [TTYs], videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments. 28 C.F.R. § 36.303(b)(1)

The ADA does not permit a public accommodation to charge a person for the cost of the auxiliary aid provided. The Title III regulation states: “A public accommodation may not impose a surcharge on a particular individual with a disability . . . to cover the costs of measures, such as the provision of auxiliary aids.” 28 C.F.R. § 36.301(c).

Reprinted with permission from Disability Rights Advocates (http://www.drlegal.org/publications/communication_access.php)

New ADA Standards Affect Hard of Hearing and Deaf People

Source: National Association of the Deaf website: <http://www.nad.org/news/2011/3/new-ada-standards-now-effect>.

NOTE: The editor of this newsletter has added words [*in brackets and italics, like this*] and put a few word in bold type for emphasis **like this**.

The Department of Justice (DOJ) revised Americans with Disabilities Act (ADA) regulations are now in effect as of March 15, 2011. This is the first major revision of its guidance on accessibility in twenty years. The changes are expected to have a sweeping impact on the everyday lives of people with disabilities in the United States. The new revisions mainly focus on making places of public accommodation more accessible for people with disabilities. They also expand some current non-discrimination policies. Below is an outline of the potential impact of these rules for deaf and hard of hearing individuals.

Title II of the ADA Regulatory Changes

Title II prohibits discrimination by public entities [*federal, state, and local government agencies*].

- Improves access in jails, detention and correctional facilities by prohibiting discrimination based on disability.
- Requires public entities to provide effective communication to families, friends, or associates of individuals seeking access to a service, program, or activity of a public entity.
- Prohibits a public entity from relying on accompanying adults or children to interpret or facilitate communication except in emergencies.
- Establishes quality standards for public entities that chose to use Video Remote Interpreting.
- Requires public entities to respond to relay calls in the same manner that they respond to telephone calls.

Title III of the ADA Regulatory Changes

Title III prohibits discrimination on the basis of disability by public accommodations and requires places of public accommodation and commercial facilities to be designed, constructed, and altered in compliance with the accessibility standards established by this part.

- Limits the definition of service animal to **dogs** that have been “individually **trained** to do work or perform tasks for the benefit of an individual with a disability.” [*That is, monkeys, miniature horses and other service animals are not covered.*]
- Establishes quality standards for public accommodations that chose to use Video Remote Interpreting (VRI).
- Defines qualified interpreters to include sign language interpreters, oral transliterators, and cued-language transliterators, and also includes VRI interpreters.
- The definition of auxiliary aids and services is expanded to include VRI, real-time captioning, voice, text, and video based communication products and systems.
- Requires that when a public accommodation furnishes auxiliary aids to provide **effective communication**, it must consider the method of communication used by the individual; the nature, length, and complexity of the communication involved; as well as the context. Further that the public accommodation should consult with the individual with a disability, but the ultimate decision as to what measures will be provided rests with the public accommodation as long as effective communication is provided.
- Requires public accommodations to provide **effective communication** to families, friends, or associates of individuals seeking access to, or participating in, the goods, services, facilities, privileges, advantages, or accommodations of a public accommodation.
- Prohibits public accommodations from relying on accompanying adults or children to interpret or facilitate communication except in emergencies.
- Requires public accommodations to respond to relay calls in the same manner that they respond to telephone calls.
- Requires private entities offering examinations or courses related to applications, licensing, certification, etc. to give considerable weight to prior accommodations received in similar situations when determining which accommodations will be granted for examinations or courses. Further, documentation requests from these entities must be reasonable.

DISCLAIMER: This is a summary of the revisions and should not be relied upon for legal advice. One should consult with an attorney or the Department of Justice (DOJ) to address any individual legal concerns. To view the actual changes, visit the DOJ ADA website at: www.ada.gov. To view the DOJ's summary of changes go to: Title II: www.ada.gov/regs2010/factsheets/title2_factsheet.html. Title III: www.ada.gov/regs2010/factsheets/title3_factsheet.html.

PROGRAM FOR SEPTEMBER 10: *Drugs that Can Cause Hearing Loss*

Pharmacist Georgia Leech will present our September program on ototoxic drugs. Georgia is a former member of our chapter and is a cochlear implant recipient. Until her retirement, she owned the Justin Pharmacy in Justin, Texas, and also published the local newspaper. She is an engaging and informative speaker. We will benefit from the presentation next month.

NEW BABY BOY!



The regular caption writer for our monthly meetings, Wendy Alexander Childers, had a son, Brayden Augustus Childers, born June 9, weighing eight pounds, and 21 and ¼ inches in length. ***Congratulations, Wendy!***

HLAA Asks to Reprint from Our Newsletter

HLAA's National States and Chapter Coordinator Elizabeth LeBarron sent the following e-mail message about our July newsletter: "This is another excellent issue of the newsletter. Congratulations on a job well done – a labor of love, at best!"

"I would like to use your headline article about the police officer's training at your meeting, the follow-on article about [the chief's] family's hearing loss and your *Paulette's Posts* in the Sept/Oct issue of Hearing Loss Magazine."

Thank you, Elizabeth. Permission granted!

Wells Fargo Settles ADA Lawsuit

On May 31, 2011, the Department of Justice reached a settlement under the Americans with Disabilities Act (ADA) with Wells Fargo & Company for discrimination against persons with hearing loss or deafness. The company failed to provide effective communication by refusing to accept relay calls, accept or return TTY calls, or provide interpreters. http://www.ada.gov/wells_fargo/wf_fact_sheet.htm.

Ricardo Cristobal, MD, PhD



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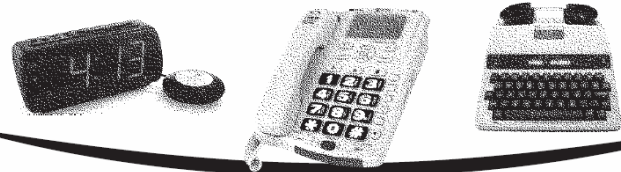
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HEARING LOSS NEWSLETTER

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MOVIE:

The King's Speech

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A COMMUNICATION DISABILITY*

Meeting at 10:00 AM to Noon

Bring your favorite snacks to share.

Goodrich Center
2500 Lipscomb Street, Fort Worth

*We use listening devices and live captioning
for communication accessibility at our meetings.*

2500 Lipscomb Street Fort Worth, TX 76110



Hearing Loss Association of America

Fort Worth Chapter

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and Hard of Hearing

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