



Healthcare Access for People with Disabilities

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Contents

Introduction	1
Know Your Rights	2
Finding a Provider	2
Contacting a Provider	3
Reasonable Accommodations	3
Making a Reasonable Accommodation Request	4
Sample Reasonable Accommodation Request	5
Physical Accessibility Requirements	5
Effective Communication	6
Service Animals	6
Considerations since COVID-19	7
Right to Privacy	8
Filing an Administrative Complaint	8
Additional Considerations	9
Resources	9

Introduction

An individual with a disability is defined by the ADA “as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment.”

Healthcare providers, whether private or government-funded, must follow requirements set out by the ADA. Private providers must follow Title III of the ADA, while government healthcare facilities must follow Title II. Providers conducted by or receiving federal financial assistance from the U.S. Department of Health and Human Services must comply with Section 504 of the Rehabilitation Act and Section 1557 of the Patient Protection and Affordable Care Act. According to the U.S. Department of Justice and the U.S. Department of Health and Human Services, receipt of Federal financial assistance includes Medicare and Medicaid reimbursements. Thus, providers who accept Medicare or Medicaid are subject to both Section 504 and Section 1557 in addition to the previous laws mentioned.

The purpose of this guide is to give individuals with disabilities the necessary information and tools to advocate for themselves effectively within the healthcare system. It is designed to address concerns such as reasonable accommodations, communication

barriers, and the procedures involved in filing a complaint. Our goal is to empower you to navigate the healthcare system with confidence, understanding, and the ability to assert your rights when seeking medical care.

Know Your Rights

As an individual with a disability, you have specific rights ensuring equal access to healthcare services. These rights are safeguarded by federal laws to prevent discrimination based on disability.

Understanding your rights empowers you to advocate for yourself in healthcare settings. These rights protect against discrimination and ensure that healthcare services are accessible and accommodating for individuals with disabilities. Some of your basic rights include:

- Providers are not allowed to refuse service, make you wait longer, or charge extra fees based on your disability.
- Providers cannot require you to bring someone for interpretation, reading, or other types of assistance.
- Providers cannot charge extra fees for braille transcription or sign language interpretation.

Finding a Provider

Finding the right healthcare provider who understands and meets your needs is essential to ensuring you get the care you need. Here are steps to help you in this process:

Research and Referrals

Start by researching healthcare providers in your area. Use online resources, community forums, or advocacy groups that focus on disabilities for recommendations. Seek referrals from friends, family, or support groups who may have experience with healthcare providers sensitive to disability-related needs. Another place you can start is [Find a Doctor - Health First Colorado](#).

Accessibility Considerations

Check the provider's website or contact their office to inquire about accessibility features, such as ramps, accessible parking spaces, or accommodations for various disabilities. Doing this may help to ensure that the healthcare facility and provider are equipped to meet your specific needs before you show up for an appointment.

Communication

Reach out to the provider's office to discuss your needs related to communication. Tell them about any specific accommodations or requirements you may have to ensure the staff is prepared to assist you during appointments.

Ask Questions

Prepare a list of questions regarding the provider's experience in treating patients with disabilities, their approach to accommodations, and their familiarity with your particular condition. Ask these questions before you schedule an appointment with a provider to make sure you are at least somewhere on the same page before you show up for an appointment.

Remember

Finding the right healthcare provider may take time and persistence, but it's important to prioritize a provider who respects and accommodates your specific needs so you receive the best possible care.

Contacting a Provider

Once you've identified a potential healthcare provider, the next step is to contact the provider to make sure your needs are understood and accommodated. Here are some considerations:

Initial Contact & Scheduling an Appointment

Call or email the provider's office to ask about their services. Communicate any specific accommodations you require during this initial contact and gauge whether the provider and their facility may be able to meet your needs. This could include things such as accessible entryways, additional time for communication, or large print materials. If necessary, ask for alternative methods of communication, such as email or text, to make it easier to relay your concerns or questions.

If you're comfortable with the provider during this initial contact, schedule an appointment and confirm the accommodations you are requesting. Ask them for a response to these requests in writing.

Appointment Preparation & Confirmation of Accommodations

Before the appointment, write down any questions or concerns you want to discuss with the provider. Consider bringing a list of medications, past medical history, or any other documents that can help the provider understand your disability. Confirm with the provider that the accommodations you requested will be available. Make sure they are aware of any changes or additional needs that may have come up since your initial contact.

Reasonable Accommodations

You have the right to request reasonable accommodations in healthcare settings to make sure your needs are met. Reasonable accommodations are changes to usual practices, policies, and procedures when serving people with disabilities (e.g. scheduling a longer appointment to allow for processing time). Reasonable accommodations must be made unless it would result in a fundamental alteration—meaning a change in the essential nature of the business—an undue administrative or financial burden, or a direct threat to

the health or safety of the person or others. Whether one of these defenses applies must be determined on a case-by-case basis. It's important to communicate your specific accommodation requests directly to healthcare providers or their administrative staff in order to start a dialogue with them about what reasonable accommodations would work for you and what they can provide.

Making a Reasonable Accommodation Request

Follow these steps when making a reasonable accommodation request:

1. Identify Specific Accommodation Needs

Recognize the accommodations necessary to address your disability-related needs in accessing healthcare services. Consider any physical, communication, or other related accommodations (such as extended appointment times or flexible scheduling) that will ensure the provider can meet your needs.

2. Contact the Healthcare Provider's Office

Reach out to the healthcare provider's office before your appointment. Contact their administrative staff or patient services department to communicate your request for accommodations and determine who you should send a written request to.

3. Document the Request

Consider documenting your accommodation request in writing. Sending an email, a letter, or using a request form provided by the healthcare provider's office can serve as a record of your request. A sample accommodation letter you can use is included later in this resource guide. In your documentation, be sure to specify the accommodations you need. Whether it's a ramp, sign language interpretation, extended appointment times, or alternative communication methods, clearly state what you need, how they are related to your disability, and why they are necessary for you to access the provider's services.

4. Interactive Process for Determining Accommodations

Understand that reasonable accommodations may involve an interactive process. This means going back and forth with the provider to discuss what accommodations will or will not work for you and determining what the healthcare provider is going to offer. You should work with the healthcare provider to determine appropriate accommodations that align with your needs and their capabilities.

5. Confirm Accommodations and Follow-Up

Follow up with the healthcare provider's office to ensure that your accommodation request has been acknowledged and will be accommodated during your visit. Request this in writing, if possible.

Remember, as a patient, you have the right to request reasonable accommodations. Advocate for these rights respectfully if your needs are not being adequately addressed.

Sample Reasonable Accommodation Request

[Date]

Dr. [Name of Provider]

[Hospital Name]

[Address]

Dear Dr. [Name of Provider]:

I am a patient at [hospital/clinic name]. I am a qualified individual with a disability, as defined by the Americans with Disabilities Act (ADA).

The hospital's rules state [insert rule you wish to have an exception to]. Because of my disability, I need the following accommodations: [list accommodations needed, such as physical modifications, communication aids, etc.]. Please let me know what, if any, additional information you need in order to better understand my disability and the limitations it imposes.

If you have any questions about my request, you can contact me in writing or by phone. However, I ask that you respond in writing to this request within two weeks of the date of this letter. Thank you very much.

Sincerely,

[Your name]

[Your full address]

[Your phone number]

Physical Accessibility Requirements

Healthcare providers are responsible for ensuring their facilities are accessible. Healthcare facilities must comply with accessibility standards to erase barriers that prevent equal access to medical care for individuals with disabilities. The Americans with Disabilities Act (ADA) sets forth specific guidelines to guarantee that healthcare facilities are accessible to individuals with disabilities.

The [ADA Standards for Accessible Design](#) outline architectural and design requirements for healthcare facilities that are covered by the ADA. These standards cover aspects such as doorway widths, ramp slopes, accessible parking, restrooms, and examination rooms. Here are some basic components of the ADA Standards:

Accessible Entrances and Parking

Healthcare facilities must provide accessible parking spaces, including van-accessible spaces, located nearest to accessible entrances. Accessible entrances must have compliant ramps or level access.

Path of Travel

Interior pathways should be wide enough to accommodate mobility aids like wheelchairs. The paths must be free from obstructions to allow for easy movement throughout the facility.

Examination Rooms and Equipment

Providers need to provide accessible exam rooms with:

- an accessible route to and through the exam room,
- an entry door with adequate clear width and accessible door handle/knob, and
- adequate floor space for side transfers and lift equipment.

Providers need to provide accessible medical equipment to provide the same level of care to a person with a disability as they can to a person without a disability. The specific accessible medical equipment a healthcare provider must have will vary depending on the medical treatment they provide. Examples of medical equipment a healthcare provider might need includes adjustable exam tables, accessible scales, patient lifts, portable floor lifts, or overhead track lifts.

Effective Communication

Healthcare providers are required to have effective communication methods for individuals with disabilities. Providers should offer communication aids and services, such as:

- Sign Language Interpreters
- Assistive Listening Devices
- Materials in Accessible Formats like braille, large print, or electronic formats for those with visual impairments.

Providers should not require or rely on a companion to interpret unless the patient wants an adult companion to interpret, the companion agrees, and the situation is appropriate.

If the healthcare provider is a public entity, they must give primary consideration to your choice in an aid or service for effective communication. The provider can use another aid or service if it is equally effective, or if your choice of aid or service would be an undue burden or fundamentally alter the healthcare provider's service.

If the healthcare provider is a private provider, they are encouraged to consult with you with a goal towards ensuring communication is effective, but they do not have to give primary consideration to your request.

Service Animals

Under the ADA, service animals are defined as dogs or miniature horses that are individually trained to do work or perform tasks for people with disabilities. Individuals with

disabilities have the right to be accompanied by their service animals in healthcare facilities, including examination rooms and inpatient areas.

Healthcare providers are limited in the questions they can ask about service animals. They may inquire:

- Whether the animal is a service animal trained to help a person with a disability.
- What specific tasks the service animal is trained to perform.

No other inquiries about an individual's disability or the service animal are permitted. Providers cannot require proof of certification or medical documentation as a condition for entry.

Under the ADA, service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents them from using these devices. Individuals who cannot use such devices must maintain control of the animal through voice, signal, or other effective controls.

There may be some limited exclusions for service animals in certain areas, such as sterile environments like burn units or surgical suites. However, accommodations should be made whenever possible. Additionally, providers may exclude service animals but only if 1) the animal is out of control and the handler cannot or does not regain control; or 2) the animal is not housebroken. If a service animal is excluded, the individual must be allowed to enter the facility without the service animal.

Under Colorado law, people with service animals in training are provided the same protections as people who have fully trained service animals.

Considerations since COVID-19

The COVID-19 pandemic has posed unique challenges for individuals with disabilities seeking healthcare services. Providers should take the following into consideration:

Access to Telehealth Services

Telehealth has become a valuable resource, allowing individuals to access healthcare remotely. Healthcare providers should offer telehealth options with accommodations for individuals facing technological barriers or differing communication needs.

Impact on Communication for Deaf or Hard of Hearing Individuals

Face masks used as a safety measure can pose challenges for individuals who rely on lip-reading or facial expressions for communication. Providers should consider using clear masks or alternative communication methods to ensure effective interaction.

Accessibility of COVID-19 Information

Accessible information on COVID-19, including prevention measures, testing, and vaccination, should be provided in various formats (braille, large print, plain language).

Safety Protocols and Accessibility

Healthcare facilities should implement safety measures without compromising accessibility for individuals with disabilities. This includes any safety protocols, such as social distancing, that might create barriers to access.

Right to Privacy

Your right to privacy should never be compromised. You're entitled to confidentiality regarding your medical information. Providers must safeguard this information unless permitted by law or with your explicit consent. Healthcare providers should maintain confidentiality, avoid discussing sensitive information in public areas, and provide private examination spaces to respect your privacy throughout the care process.

Filing an Administrative Complaint

When encountering discrimination or facing violations of your rights in healthcare settings, initiating an administrative complaint can be an important step towards seeking resolution. If you want to take this step, you may want to consider the following:

Colorado Civil Rights Division (CCRD) Complaint Process

To file a complaint with the [Colorado Civil Rights Division](#) (CCRD), it's essential to submit it within 60 days of the alleged violation. Initiating a complaint can be done online. However, if you are unable to submit the complaint online, the CCRD should accommodate you through a phone interview.

After initiating a complaint, a phone interview is scheduled to draft the complaint. The drafted complaint is then sent to you for approval. You can also request edits if needed. Once approved and signed by you, the complaint is considered officially filed for the purpose of the 60-day timeline.

The CCRD requests a response from the healthcare provider and then allows an opportunity for you to file a rebuttal within 30 days of receiving the provider's response. You do not have to file a rebuttal, but we recommend that you do.

There is an opportunity for mediation if both parties agree during this process. You should request mediation if you want one.

If mediation is unsuccessful or not attempted, CCRD investigates the complaint, issues a determination, and if found in your favor, it proceeds to conciliation, which is similar to mediation.

If you would like to file a lawsuit, there's typically a 90-day window from CCRD's determination to initiate legal action. Filing a lawsuit is an option regardless of CCRD's determination, and we advise you to consult with an attorney regarding your specific situation if you are thinking of filing a lawsuit.

Health and Human Services (HHS) Complaint Process

If you choose to file a complaint with HHS, your complaint should be filed:

- in writing via mail, fax, email, or the [OCR Complaint Portal](#), and
- within 180 days of being aware of the act or omission.

Be sure to include the following:

- Your personal information (name, address, contact details).
- Details of the alleged discrimination incident, including dates, persons or organizations involved, and a brief description of the violation.
- Your signature and the date of the complaint.
- Any accommodations needed for communication or contact information of a representative, if applicable.
- You may also include Information about any previous filing of the complaint elsewhere.

Department of Justice (DOJ) Complaint Process

There's no specific timeline to file a complaint with the [U.S. Department of Justice](#) (DOJ). The DOJ does also have a voluntary mediation process. However, the DOJ isn't obligated to respond to or investigate every complaint received, so you may or may not receive a response from the DOJ.

Additional Considerations

When advocating for yourself in healthcare, keeping records of your experiences can be crucial. Document instances of discrimination or inadequate accommodations. Seek support from advocacy organizations and networks as they offer valuable guidance in navigating challenges. Communicate your needs clearly to healthcare providers to ensure better access. Remember, your feedback to healthcare facilities matters, as does verifying accessibility information before appointments. Your efforts foster a more inclusive healthcare environment for all individuals with disabilities.

Resources

- [Access to Medical Care for Individuals with Mobility Disabilities | ADA.gov](#)
- [ADA Requirements: Effective Communication | ADA.gov](#)
- [ADA Requirements: Service Animals | ADA.gov](#)
- [COVID-19 and the Americans with Disabilities Act | ADA.gov](#)
- [Guidance on Nondiscrimination in Telehealth - Federal Protections to Ensure Accessibility to People with Disabilities and Limited English Proficient Persons | ADA.gov](#)
- [Rights Under 504 - English - Revised 2006.doc \(hhs.gov\)](#)
- [Section 1557 of the Patient Protection and Affordable Care Act | HHS.gov](#)
- [Section 504 of the Rehabilitation Act of 1973 Title II of the Americans with Disabilities Act | Colorado Department of Health Care Policy & Financing](#)