

DISABILITY JUSTICE

Hospital and Healthcare Facilities

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.

Frequently Asked Questions

What healthcare providers are covered by the ADA?

All healthcare providers, no matter the size, must follow the ADA. This includes:

- Hospitals
- Clinics
- Mental health facilities
- Dentists
- Therapists
- Private doctors' offices

What does the ADA make hospitals and healthcare providers do?

Hospitals and healthcare providers cannot deny you access to the building or refuse treatment because of your disability. If you ask for treatment or services that other patients can get, the provider must give you the treatment or service, no matter what your disability is.

Hospitals and other healthcare offices are only required to give you the same treatment that it gives other people. Example: A vision clinic doesn't have to treat a skin rash.

They can refuse services if you are a direct threat to others' health or safety, but they must consider if that risk can be reduced with changes to its policies or auxiliary aids.

Equal access to services means that the service or treatment is provided or explained in a way you understand—this may include materials in braille or large print, written instructions, or having materials read aloud.

What about my healthcare provider?

The ADA says your doctor must give you the same kind of care as everyone else. Your provider must:

- Listen to you
- Do needed medical tests
- Give you appropriate treatment
- Not make you wait longer or send you elsewhere because of your disability
- Not charge you extra
- Make reasonable changes to policies and practices if needed

What is an auxiliary aid?

Auxiliary aids (sometimes called assistive technology) are ways to communicate with people who have communication disabilities. Hospitals and healthcare facilities must give aids, like sign language interpreters or large print materials, to help people with hearing, vision, speech, or other disabilities know what is being said or read. These aids must also be given to family members or others involved in your healthcare.

If you know you will need an aid when you meet with your doctor, let them know before your visit. Some aids are not on-site and take time to get. Hospitals should work with you to choose an aid that works for you. They do not have to give you the exact one you ask for. They only have to give you one that meets your needs.

If giving you a specific aid would be difficult or costly, the facility must still give you another way to help you communicate effectively.

Do I have to bring my own auxiliary aid?

No. Healthcare providers cannot require you to bring your own interpreter or other aid. If you bring a friend or family member, the healthcare staff should not use that person to interpret.

Do hospitals and other healthcare offices have to be physically accessible?

Yes. The ADA says every person, no matter what their disability, should be able to get into a hospital, doctor's office, dentist, or other healthcare office. This includes:

- Wheelchair ramps next to stairs
- Floors that do not have lots of objects blocking people
- Enough room for wheelchairs to move
- Grab bars in toilet stalls

If fixing a barrier is too hard or costly, facilities must still find another way to make its services accessible to you.

Where can I learn more about accessibility in healthcare places?

For more information, visit the [U.S. Department of Justice Barrier-Free Health Care Initiative website](#). You can also visit [ADA.gov](#) for information about healthcare access for people with mobility disabilities.

What rights do I have in Colorado mental healthcare settings?

- Generally speaking, Colorado state law states that you have the following rights when getting mental health care, including involuntary care and civil commitment (if you are being forced to get mental health care). Your rights include the following:
 - To refuse treatment. Unless there is an order, not all treatment during detainment is mandatory.
 - To request a change to voluntary treatment status
 - To be free from discrimination
 - To be treated with respect and dignity
 - To consult with and retain a lawyer
 - To practice your religion
 - To see a patient representative within 24 hours (who has no direct or indirect clinical, admin, or financial responsibility)
 - To wear your own clothes and keep personal items
 - To keep and spend a reasonable amount of money
 - To use your cell phone unless access to the cell phone causes the person to destabilize or creates a danger to the person's self or others, as determined by a provider, facility staff member, or security personnel involved in the person's care.
 - To have information and records given to a family member or other support person
 - To not be fingerprinted
 - To have appropriate access to food, water, hygiene, and privacy
 - To have visitation according to facility policy
 - To personal privacy to the extent possible
 - To have confidentiality of records (unless disclosure is allowed by law; see below for more information about HIPAA and confidentiality)

What are my rights if I have been put on a mental health hold?

- See this [presentation](#) on rights and process for mental health holds.

What are my HIPAA rights?

- Under the Health Insurance Portability and Accountability Act (HIPAA), you have the right to:
 - To have your protected health information kept confidential (not shared with others) unless you give permission for it to be shared or one of the exceptions under HIPAA applies.
 - To see or get a copy of your own records. You may have to request in writing and pay for copying and mailing, and records usually must be provided within 30 days.
 - To ask to change any information in the records that you believe is wrong or missing. Even if they don't agree with you, they must make a note in the records of your disagreement.
 - To know who has seen or accessed your protected health information.
 - To tell your providers or health insurance companies if there is information you do NOT want shared with certain people, groups, or companies
 - To have your records and information shared with someone when you ask ("authorization"). For example, if you sign a release of information asking that records be given to an advocate or family member, the provider must honor the request.
 - Learn more about your [HIPAA rights](#).

Do you believe your rights were violated?

Call Disability Justice's Intake Line at 303-722-0300 or complete our intake form [here](#).

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