



Health Care and the ADA: Including People With Disabilities

ADA National Network Learning Session

“The Basics of Health Care and the Americans with Disabilities Act (ADA)”

The Session is Scheduled to begin at 2:30 pm ET

Telephone Option: 805-309-2350 Access Code: 5552153 (not a toll free #)

Local numbers can be found at: http://adapresentations.org/local_numbers.php

Real-time captioning can be accessed by choosing the  icon in the Audio & Video panel.

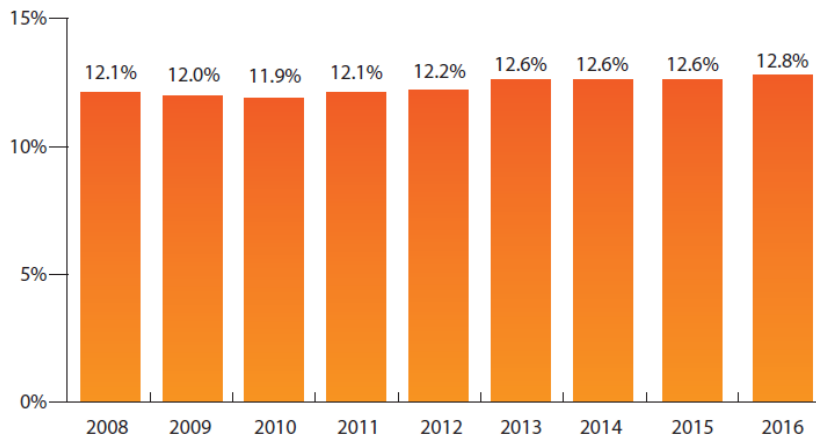
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1

1



Percentage of People in the US with Disabilities, 2008-2016



Data Source: 2008-2016 American Community Survey, American FactFinder, Table B1810

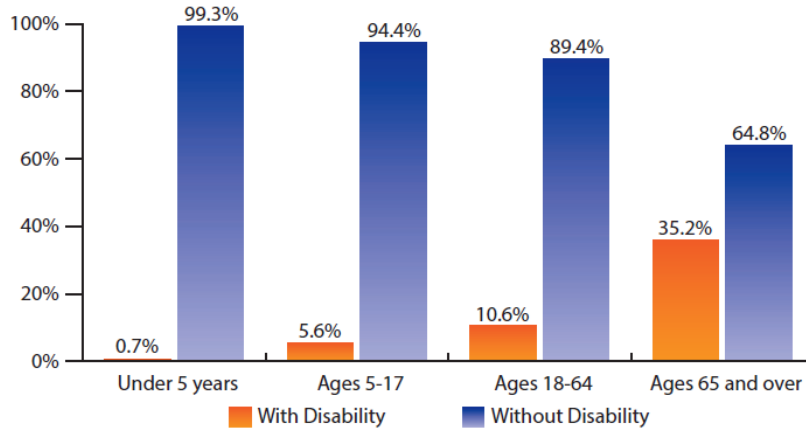
Kraus, L., Lauer, E., Coleman, R., and Houtenville, A. (2018). 2017 Disability Statistics Annual Report. Durham, NH: University of New Hampshire. Available from <http://disabilitycompendium.org/sites/default/files/user-uploads/2017AnnualReportSlideDeck>

2

2



Age Distribution of Disability in the US Population 2016



Data Source: 2008-2016 American Community Survey, American FactFinder, Table B1810

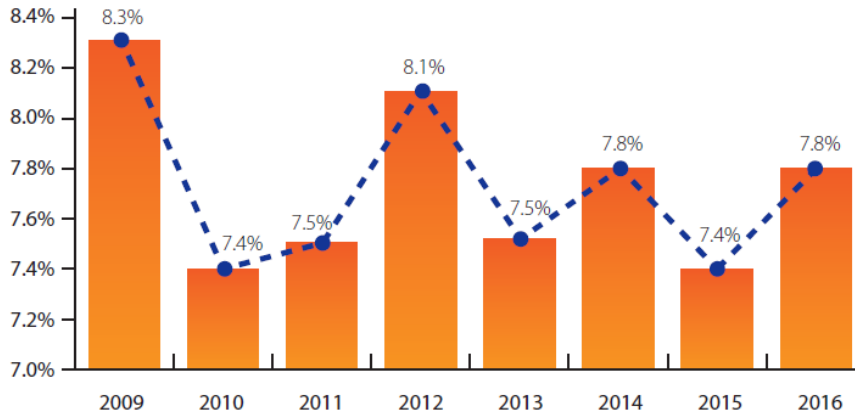
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3

3



Poverty Percentage Gap, People with/without Disabilities 2009-2016



Data Source: 2008-2016 American Community Survey, American FactFinder, Table B1810

Kraus, L., Lauer, E., Coleman, R., and Houtenville, A. (2018). 2017 Disability Statistics Annual Report. Durham, NH: University of New Hampshire. Available from <http://disabilitycompendium.org/sites/default/files/user-uploads/2017AnnualReportSlideDeck>

4

4



Disability Demographics in the Future

- Growing in numbers as the population ages and with technological advances in care
- 88.5 million or 20% of the total population will be people 65 and older by 2050
- 25.4 percent of people age 65 - 74 report disability (2015)
- 49.8 percent of people over age 75 report disability (2015)

5

5



Disability, Health, and Health Care Disparities - Healthy People 2020

People with disabilities are more likely to:

- experience difficulties or delays in getting the health care they need
- not have had an annual dental visit
- not have had a mammogram in the past 2 years
- not have had a Pap test within the past 3 years
- not engage in fitness activities
- have high blood pressure

6

6



Why? Complex, Intersecting Barriers Contribute to Disparities

- Poverty
- Prejudice and stereotypes
- Lack of provider training and cultural literacy
- Physical and programmatic inaccessibility
- Inadequate research
- ADA monitoring, implementation and enforcement

7

7



Access to Health Care: What Does the ADA Require?

Delivery of services in a way that ensures that all people have an equal opportunity to achieve the full benefit of a program or service (Title II or III)

8

8



Access to Health Care: What Does the ADA Require?

Equitable access to care and services includes:

- physical accessibility of buildings and facilities
- accessible equipment
- effective communication
- modification in policies, practices, and procedures

9

9



Who Does this Cover?

People with physical, mental, cognitive, or intellectual limitations such as difficulty:

- Walking, balancing, climbing
- Seeing or hearing
- Reading
- Understanding or remembering

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Access to Health Care:

Physical accessibility of buildings and facilities

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Physical Accessibility of Facilities

Parking



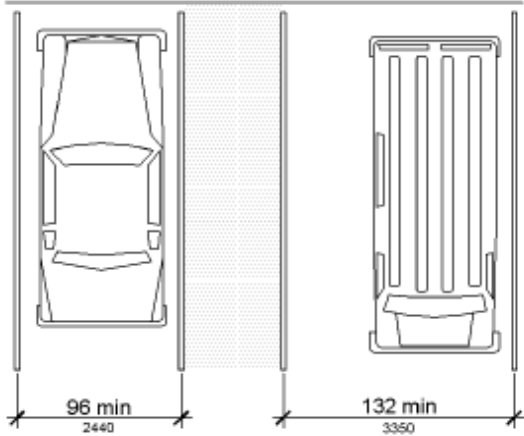
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Physical Accessibility of Facilities

Parking



13

13



Physical Accessibility of the Office

Buildings, Offices, and Restrooms



14

14



Physical Accessibility of the Office

Buildings, Offices, and Restrooms



15

15



Access to Health Care:

Accessible Equipment

16

16



Accessible Equipment



17

17



Accessible Equipment



18

18



Physical Accessibility and Accessible Equipment Resources

- ADA Standards for Accessible Design (DOJ)
<https://www.ada.gov/regs2010/2010ADASTandards/2010ADASTandards.pdf>
- Access to Medical Care For Individuals With Mobility Disabilities (DOJ)
https://www.ada.gov/medcare_mobility_ta/medcare_ta.htm

19

19



Physical Accessibility and Accessible Equipment Resources

- Pacific ADA Center's Healthcare and the ADA page
<https://www.adapacific.org/healthcare#physical-accessibility>
 - Access to Medical Care for Individuals With Mobility Disabilities 2010 - U.S. Department of Justice (DOJ)
 - Accessible Medical Examination Tables and Chairs 2014 - ADA National Network
 - Accessible Medical Diagnostic Equipment 2016 - ADA National Network

20

20



Physical Accessibility and Accessible Equipment Resources

- Pacific ADA Center's Healthcare and the ADA page
<https://www.adapacific.org/healthcare#physical-accessibility>
 - Accessible Parking - ADA National Network
 - ADA Checklist For Existing Facilities - New England ADA Center
 - ADA Standards for Accessible Design - U.S. Department of Justice (DOJ)
 - Increasing the Physical Accessibility of Health Care Facilities - Centers for Medicare & Medicaid Services (CMS)

21

21



Access to Health Care:

Effective Communication

22

22



Effective Communication

- The purpose of the effective communication is to ensure that a person with a vision, hearing, speech, or cognitive disability can communicate with, receive information from, and convey information to, a healthcare provider – in an equal manner.
- Healthcare providers must provide **auxiliary aids and services** when needed to communicate effectively with people who have communication disabilities.

23

23



Effective Communication

- The key to communicating effectively is to consider the nature, length, complexity, and context of the communication and the person's normal method(s) of communication.
- The rules apply to communicating with the person who is receiving the services of a healthcare provider, as well as with that person's parent, spouse, or companion in appropriate circumstances.

24

24



Common Scenario

One woman with low vision reported that she learned only after years of taking her thyroid medication at dinnertime that taking the medication with food weakened the drug's effects, which may have compromised her treatment.



25

25



Common Scenario

A deaf patient ended up in hospital after a heart attack, attributed to medical error (medication prescribed without benefit of an interpreter)

(Medical Interpreting Task Force, WA State)



26

26



Effective Communication

- Auxiliary aids and services for people with vision loss may include:

- Braille
- Large print
- Digital text
- Audio
- Qualified Reader



27

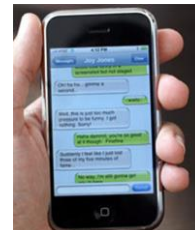
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Effective Communication

- Auxiliary aids and services for people who are deaf or hard of hearing may include:

- ASL interpreter
- Communication Access Real-time Translation (CART)
- Written materials, transcripts
- Assistive Listening Devices



28

28



Effective Communication

- For individuals who are deaf and use sign language, the most effective auxiliary aid or service which a medical office can provide is usually the service of qualified sign language interpreters, who are trained in medical terminology.
- ASL is a visual-gestural and rich language that has a different grammatical structure than the English language – reading standard English print, or sharing notes may not be effective!
- Do not use family members as ASL interpreters!

29

29



Effective Communication Resources

- ADA National Network
 - <https://adata.org/factsheet/communication>
- DOJ
 - Communicating with People Who Are Deaf or Hard of Hearing in Hospital Settings <https://www.ada.gov/hospcombr.htm>
 - Web accessibility <https://www.adapacific.org/assets/documents/usdoj-accessibility-of-state-and-local-government-websites.pdf>

30

30



Effective Communication Resources

- National Association for the Deaf
 - Questions and Answers for Health Care Providers
<https://www.nad.org/resources/health-care-and-mental-health-services/health-care-providers/questions-and-answers-for-health-care-providers/>
- DHHS
 - Guidance and Resources for Electronic Information Technology: Ensuring Equal Access To All Health Services And Benefits Provided Through Electronic Means <https://www.hhs.gov/sites/default/files/ocr-guidance-electronic-information-technology.pdf?language=es>

31

31



Access to Health Care:

Modification in Policies, Practices, and Procedures

32

32



Modification in Policies, Practices, and Procedures

- Development of a modification process
 - How does someone ask for and receive a modification
- Development of staff training
 - Disability awareness
 - Customer service
 - Effective communication (esp. front desk staff)
 - Modification request process

33

33



Modification in Policies, Practices, and Procedures Resources

- Reasonable modifications
 - State and local regulations 35.130(7) from DOJ
https://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm#a35130
 - Public accommodations regulations 36.302 from DOJ
https://www.ada.gov/regs2010/titleIII_2010/titleIII_2010_regulations.htm#a302

34

34



Modification in Policies, Practices, and Procedures Resources

- Reasonable modifications resources
 - The ADA National Network Disability Law Handbook
<https://adata.org/publication/disability-law-handbook>
 - Reaching Out to Customers with Disabilities - Lesson One: Policies, Practices, and Procedures
<https://www.ada.gov/reachingout/title311.html>

35

35



Modification in Policies, Practices, and Procedures Resources

- Service animals
 - Under the ADA and Section 504 of the Rehabilitation Act of 1973, health care facilities must permit the use of a service animal by a person with a disability, including during a public health emergency or disaster.
 - Understanding How to Accommodate Service Animals in Healthcare Facilities
<https://www.phe.gov/Preparedness/planning/abc/Pages/service-animals.aspx>
 Assistant Secretary for Preparedness and Response, U.S. Department of Health & Human Services

36

36



Modification in Policies, Practices, and Procedures Resources

- Service animals resources (page 1 of 2)

Service Animals Fact Sheet (ADA National Network)

<https://adata.org/factsheet/service-animals>

Service Animals and Emotional Support Animals Booklet (ADA National Network)

<https://adata.org/publication/service-animals-booklet>

Frequently Asked Questions about Service Animals and the ADA (U.S. Department of Justice)

https://www.ada.gov/regs2010/service_animal_ga.html

37

37



Modification in Policies, Practices, and Procedures Resources

- Service animals resources - page 2 of 2

ADA Requirements: Service Animals (U.S. Department of Justice)

https://www.ada.gov/service_animals_2010.htm

Centers for Disease Control and Prevention: Guidelines for Environmental Infection Control in Health-Care Facilities

<https://www.cdc.gov/infectioncontrol/guidelines/environmental/background/animals.html#h3>

Service Animals in Dental Health Care Settings (Centers for Disease Control and Prevention)

<https://www.cdc.gov/oralhealth/infectioncontrol/questions/animals.html>

38

38



Access to Health Care: Resources

39

39



ADANN Health Care Resources

- Healthcare and the ADA webinar series at www.adapresentations.org
- Healthcare and the ADA factsheets available at www.adata.org (search for Healthcare)
- Regional ADA Center websites with links to state and federal resources (e.g., www.adapacific.org/healthcare)
- ADA questions can be answered at 800-949-4232 or by email
- Training from regional ADA Centers

40

40



Barrier-Free Health Care Initiative (DOJ)

- A partnership of the Department of Justice Civil Rights Division and U.S. Attorney's offices across the nation – resource for court cases
 - Target enforcement efforts on a critical area for individuals with disabilities
 - Launched on the 22nd anniversary of the ADA in July 2012
 - <https://www.ada.gov/usao-agreements.htm>

41

41



Contact Us

ADA National Network Technical Assistance Hotline
1-800-949-4232 (free and confidential answers on the ADA)

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42