

Application of the ADA in Healthcare Emergency Management Seminar

Overview of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act

Title I of the ADA - no covered entity shall discriminate against a qualified individual on the basis of disability in regard to job application procedures; the hiring, advancement, or discharge of employees; employee compensation; job training; and other terms, conditions, and privileges of employment.

Title II of the ADA - no qualified individual with a disability shall be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity or be subjected to discrimination by any such entity. Applies to public hospitals, clinics and health care services operated by state and local government.

Public entity - state and local governments, any department or other instrumentality of a state or local government, and certain transportation authorities. Thus, emergency services operated by a state or local government cannot discriminate against individuals with disabilities.

Title III - no individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation. *Applies to privately-owned and operated hospitals, clinics and health care providers.*

Entities that are covered by the term "public accommodation" include: hotels, restaurants, theaters, museums, parks, zoos, private schools, day care centers, professional offices of healthcare providers, and gymnasiums. Health care providers must provide individuals with disabilities full and equal access to their health care services and facilities. This includes the physical structures of the hospital or clinic, providing qualified sign language interpreters, and extends to all digital properties.

Persons protected under the ADA are "qualified individuals with a disability."

A disability - physical or mental impairment that substantially limits one or more major life activities or a record of having such an impairment or being perceived by others as having such an impairment.

Qualified persons - can perform the essential functions of employment with or without accommodation or who meet the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.

Facility accessible to all patients?

"Accessibility Guidelines for Buildings and Facilities"

"FAQ about Service Animals"

Exam rooms and medical equipment accessible?

"Access to Medical Care"

Communicate with all patients?

"ADA Q&A"

"ADA and Healthcare"

Emergencies

Limited exceptions to the ADA exist during emergencies.



Application of the ADA in Healthcare Emergency Management Seminar

Emergency Management activities should address disabilities.

“Chapter 7, Emergency Management under Title II”

Emergency considerations: Hazards and disasters, geography, situations/concentrations, types of disability

“Effective Emergency Management”

HIPAA

Public Health Authorities may have information to aid individuals during an emergency.

“Effective Emergency Management”

Sheltering

People with disabilities have the same right to services in general population shelters as other residents.

Planning must ensure that the shelters are accessible.

Functional Needs Support Services (FNSS) is defined as including reasonable modification to policies, practices and procedures; durable medical equipment; consumable medical supplies; personal assistance services; and other goods and services as needed.

The ADA mandates that accommodations, which include shelters, must be accessible. Shelters must also accommodate service animals and should provide multiple means for communication. Ideally, shelter staff should be trained to accommodate a wide variety of disabilities and medical needs.

“The ADA and Emergency Shelters”

“ADA Checklist for Emergency Shelters”

Pitfalls

“Effective Emergency Management”

Planning:

Consider disabilities in planning

Include people with disabilities in planning process

Policies to maintain independence

Communications can be received by people with disabilities

Response:

Delivery of information (communications)

Built environment (structures)