



# Medical Providers and the Americans with Disabilities Act

## Part 1: An Overview

Your office manager gets a relay telephone call from an individual who is deaf who wants to schedule an appointment. The individual then states that they need you to provide a sign language interpreter in accordance with the ADA. Do you have to provide an interpreter? Aren't they expensive? What does the ADA say? What is the ADA?

Many medical offices don't consider these types of situations. Then they receive a call like the one above and find themselves in a reactionary mode, madly trying to get information quickly. However, reactionary mode is not the best way to comply with the ADA. The key for medical practices is knowledge and planning.

The Americans with Disabilities Act, or ADA, is a federal civil rights law that prohibits discrimination against individuals with disabilities in the areas of employment, state and local government programs, and private businesses. The ADA requires medical providers to make their services available in an accessible manner to people with disabilities.

Medical providers must provide the same services to patients with disabilities as provided to patients without disabilities. Providers cannot deny service to a patient with a disability simply because of their disability if it is person whom they would otherwise serve.

The ADA states that medical providers must provide reasonable modifications to policies, practices and procedures to make health care services fully accessible to individuals with disabilities. However, the ADA also has built in protections for medical providers. If the requested modification would fundamentally alter the nature of the service, program or business operation, if the modification constitutes a direct threat with a significant risk of substantial harm, or if it would constitute an undue burden, defined as significant difficulty, expense or disruption, it may not be necessary to provide that particular modification.

When considering if a modification is a significant expense and thus an undue burden, the financial resources of the entire organization must be considered, not just the fee the patient is paying. Also, when evaluating if a modification would be considered a significant expense, a private medical practice must first apply appropriate tax credits and deductions.

Small businesses with 30 or fewer employees or total revenues of \$1 million or less can use the Disabled Access Credit (Internal Revenue Code, Section 44). Eligible small businesses may take a yearly credit of up to \$5,000 (half of eligible expenses up to \$10,250, with no credit for the first \$250) to offset their costs for access, including barrier removal from their facilities (e.g., widening a doorway, installing a ramp), provision of accessibility services (e.g., sign language interpreters), provisions of printed material in alternate formats (e.g., large print, audio, Braille), and provision or modification of equipment. Businesses of all sizes may take advantage of Internal Revenue Code, Section 190, by taking a business expense deduction of up to \$15,000 per year for the costs of removing barriers in facilities or vehicles.

Keep in mind that reasonable modifications are not just for patients with mobility or sensory disabilities. Reasonable modifications for a patient with an intellectual disability may include allowing extra time for an appointment or assistance in filling out forms. Reasonable modifications for patients with psychiatric disabilities may include changing the way a procedure is normally done to reduce a patient's fear or verbally explaining procedures before starting.

We will be looking at several modifications more in-depth in subsequent articles in this series. For Part 2, which will appear in the next newsletter, we go in-depth into the issue of providing effective communication under the ADA for patients who are deaf, hard of hearing, blind or have low vision. In this article we will more thoroughly consider the issue of providing sign language interpreters.

Part 3 of this series will cover the ADA requirements for providing physical accessibility for patients with mobility disabilities. Part 4 will cover the requirements regarding service animals.

For additional information on any of these topics, please contact the Rocky Mountain ADA Center at 1-800-949-4232. Our website is [www.adainformation.org](http://www.adainformation.org). The Rocky Mountain ADA Center is available to answer any questions, provide trainings and disseminate materials regarding the ADA.