



Medical Providers and the Americans with Disabilities Act Part 3: Physical Accessibility and Mobility Disabilities

The Americans with Disabilities Act (ADA) is a federal civil rights law that prohibits discrimination against individuals with disabilities and requires medical providers to make their services accessible. In this article, we consider what the ADA requires in regards to providing physical accessibility for patients with mobility disabilities including patients who use wheelchairs.

The ADA requires medical practitioners to provide access to their services and to the buildings where those services are provided. This includes but is not limited to hospitals, clinics, and the offices of doctors, dentists, optometrists, opticians, chiropractors, acupuncturists, physical and occupational therapists, and speech therapists.

The 2010 ADA Standards for Accessible Design became enforceable on March 15, 2012 and replaced the 1991 ADA Standards for Accessible Design. These standards address requirements for accessible parking, accessible routes into and through the building, accessible restrooms and drinking fountains, and accessible waiting rooms, examination rooms, and patient rooms. For more information regarding those standards, please contact the Rocky Mountain ADA Center at 1-800-949-4232.

Under the ADA, both the owner of the building and the tenant share responsibility for meeting those standards. Lease arrangements can allocate responsibility; however, that is only effective between parties and both landlord and tenant remain fully liable for ADA compliance.

Patients with mobility disabilities have the right under the ADA to receive the same services as every other patient. This means that if it is normally necessary to examine a patient lying down on an examination table, then a patient with a mobility disability should also be examined lying down on an examination table. Otherwise the exam is not as thorough and important diagnostic information might be missed. A patient who uses a wheelchair should not be examined while they sit in their wheelchair unless other patients are examined in a seated position for the same purpose.

As such, a medical provider must offer an examination table that is accessible to people with mobility disabilities. This can be accomplished with an adjustable height exam table that lowers between 17" to 19" above the floor, which is the same height as most wheelchair seats and allows for effective transfer. Other equipment that can create access includes an adjustable

height stretcher or gurney or a portable or mounted patient lift. Each medical practice should make a determination what equipment would work best in their circumstances.

Additional items which may assist with transfer or positioning for some patients include a transfer board, gait belt, support rails, adjustable and padded leg supports, slip sheets, pillows, foam wedges, or rolled up towels. Under the ADA, a medical practitioner cannot require a patient with a mobility disability to bring a friend or family member to provide needed assistance. If a patient needs assistance undressing or dressing, getting on or off the exam table or other medical equipment, or maintaining balance and positioning on the exam table or medical equipment, medical staff must provide that assistance. Lifting by staff members is not required because with appropriate equipment, lifting is not necessary.

Settlement agreements between the Department of Justice and medical providers have indicated that under the ADA, medical providers must provide accessible medical equipment. Equipment associated with mammography, radiological diagnostic equipment, rehabilitation equipment, infusion pumps, scales, call buttons, etc., must all be accessible to patients with mobility disabilities. However, at this time, the ADA does not have standards that identify the exact features that make this equipment accessible.

The Department of Justice has issued an Advance Notice of Proposed Rulemaking regarding the adoption of standards for accessible medical equipment under the ADA. The Access Board is currently in the process of developing these standards.

Always remember that the ADA does not allow medical providers to deny service to a patient with a disability, simply because of their disability, if it is person whom they would otherwise serve. However, tax credits and deductions are available to help offset the cost of compliance.

For additional information, please contact the Rocky Mountain ADA Center at 1-800-949-4232. We are available to answer questions, provide trainings and disseminate materials regarding the ADA.