



# Welcome! We will begin at 12:00pm PT

- Microphones and cameras will be disabled upon entry.
- Use the Q&A function to submit questions.
- Accessible materials, including presentation and recording, will be made available on <https://nwadacenter.org/oha-healthcare/>
- To enable Communication Access Real-time Translation (CART) services, select “Closed Captions” or “CC” in the Zoom toolbar.
- American Sign Language (ASL) Interpretation will be provided.

# Effective Communication and Reasonable Modification



**March 27, 2024**

**ADA and Healthcare Webinar Series**

Presented by Oregon Health Authority and  
Northwest ADA Center





# Agenda

- Learn about this webinar series
- Explore disability from a "misfits" perspective
- Overview reasonable modifications
- Discuss effective communication
- Q&A

# ADA and Healthcare Webinar Series



- Collaboration between the Oregon Health Authority and the Northwest ADA Center

## **#4: Disability Allyship in Healthcare**

April 4, 2024 (Thursday)

12:00-1:00 PST

- <https://nwadacenter.org/oha-healthcare/>

# Northwest ADA Center



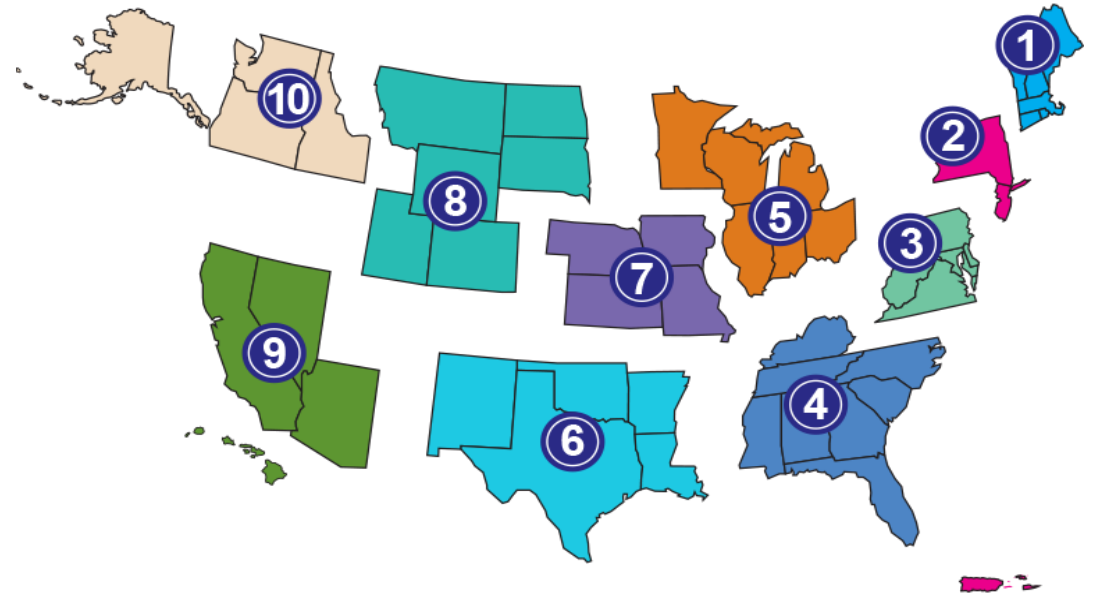
## Questions about the ADA?

1-800-949-4232

[nwadactr@uw.edu](mailto:nwadactr@uw.edu)

## Presenter

- Katie Warden



# Legal Disclaimer



The Northwest ADA Center is funded under a grant from the Administration for Community Living (ACL), NIDILRR grant #90DP0095.

However, these contents do not necessarily represent the policy of the ACL, and you should not assume endorsement by the Federal Government.

The information provided by the Northwest ADA Center is intended as general information.



# Today's Learning Objectives

- 1) Consider disability from a “misfits” perspective
- 2) Understand reasonable modifications as a way to create access
- 3) Be familiar with the requirements related to service animals
- 4) Learn best practices for providing effective communication

# Creating "Fit" in an Inaccessible World





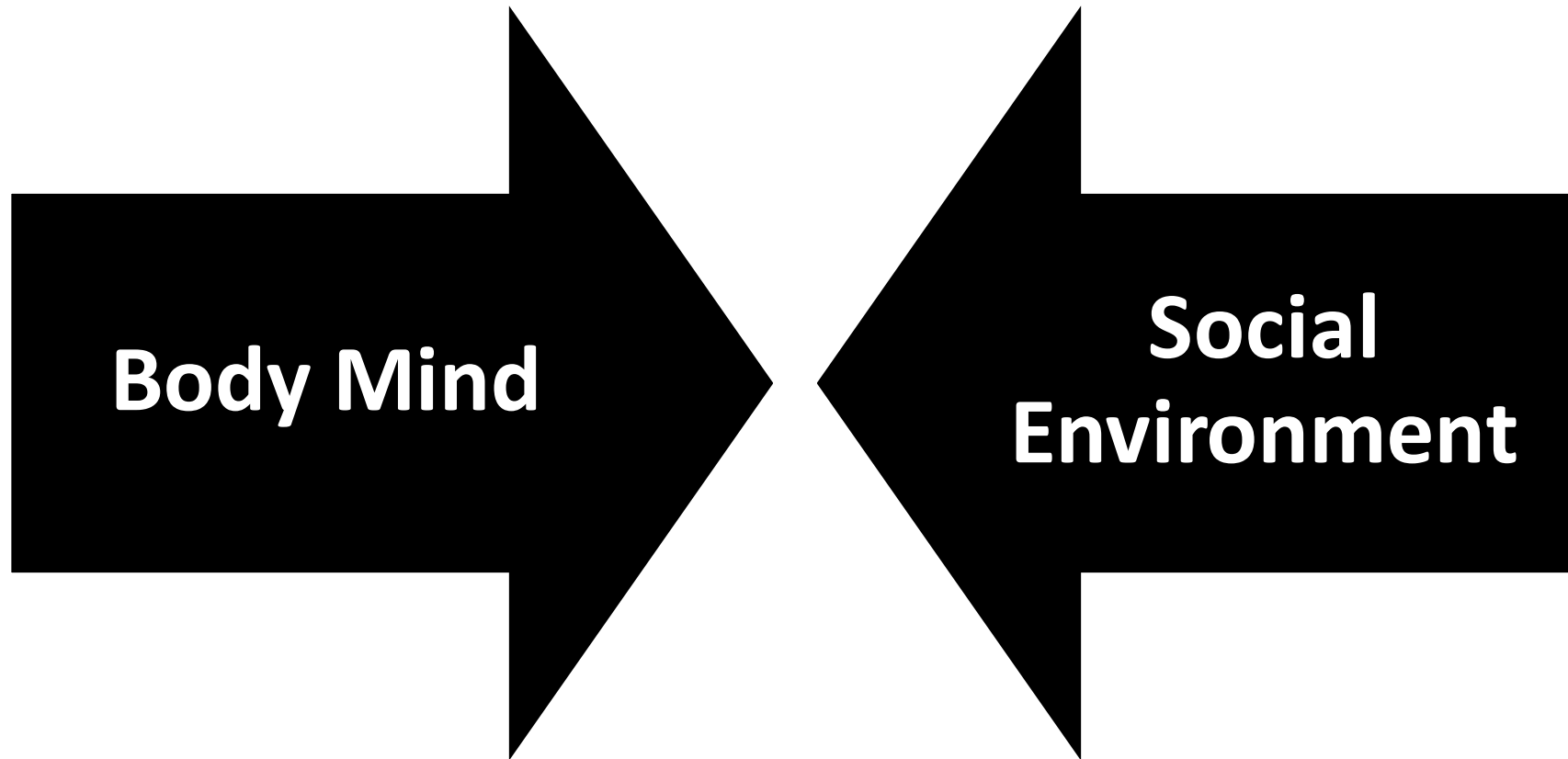
# Diversity Framework of Disability



Disability: An interaction between one's way of functioning and the social and built environment in which they find themselves

- Individuals may have nontypical or impaired functioning, but societal barriers ***disable*** individuals

# Disability is Contextual





# Congressional Findings

- The Congress finds that –
  - individuals with disabilities continually encounter various forms of discrimination, including:
    - the discriminatory effects of ...
      - **failure to make modifications to ... practices**



# Seemingly Neutral Policies and Practices

- No pets allowed!
- Bans on all non-patients in health care settings
- Inflexible time limits for appointments
- Providing information in only one modality

# What does the ADA require?



# Change the environment to fit the person!



Reasonable  
Modifications

Effective  
Communication

# Non-Discrimination Principle



**The ADA requires healthcare providers to make their services available in an accessible manner.**

- Provide individuals with disabilities:
  - full and equal access to their health care services and facilities
  - reasonable modifications to policies, practices, and procedures
  - effective communication

# Reasonable Modifications







# Reasonable Modifications

Changes to policies, practices, and procedures when necessary to make health care services fully available to individuals with disabilities.

[Care Center for Persons with Disabilities Personalized Care Suite](#)



# Reasonable Modification: Service Animals

## Seemingly Neutral Policy

- No pets allowed!

## Reasonable Modification

- Service animals can go wherever the public is permitted!
  - Patient rooms
  - Ambulances



# Service Animals

## **Dogs trained to perform a task directly related to a person's disability**

- Any breed and any size of dog
- Vests and certification **not** required



# Reasonable Modification: Time

## Seemingly Neutral Policies

- All appointments are 30 minutes long!

## Reasonable Modification

- Schedule longer appointments!
  - Allows for plain language explanations
  - Allows for time related to transfers
  - Allows for effective communication

# Importance of Taking the Time

- [CDC Become a Disability A.L.L.Y. — Information for Healthcare Providers](#)



# Reasonable Modification: Support People



## **Seemingly Neutral Policy**

- Only the patient may attend an appointment!
- Bans on all non-patients in health care settings

## **Reasonable Modification**

- Allow support people to attend appointments to ensure adequate support for decision-making and treatment.



# Providing Reasonable Modifications

- Establish a policy for requesting and receiving accommodations.
- Ensure that all staff understand the reasonable modification process.
- Evaluate each situation on a case-by-case basis.



# Limitations: Reasonable Modifications

- **Fundamental alteration**
  - [HRSA.gov Fundamental Alteration](https://www.hrsa.gov/fundamental-alteration)
- **Direct threat**

These limitations are rare!



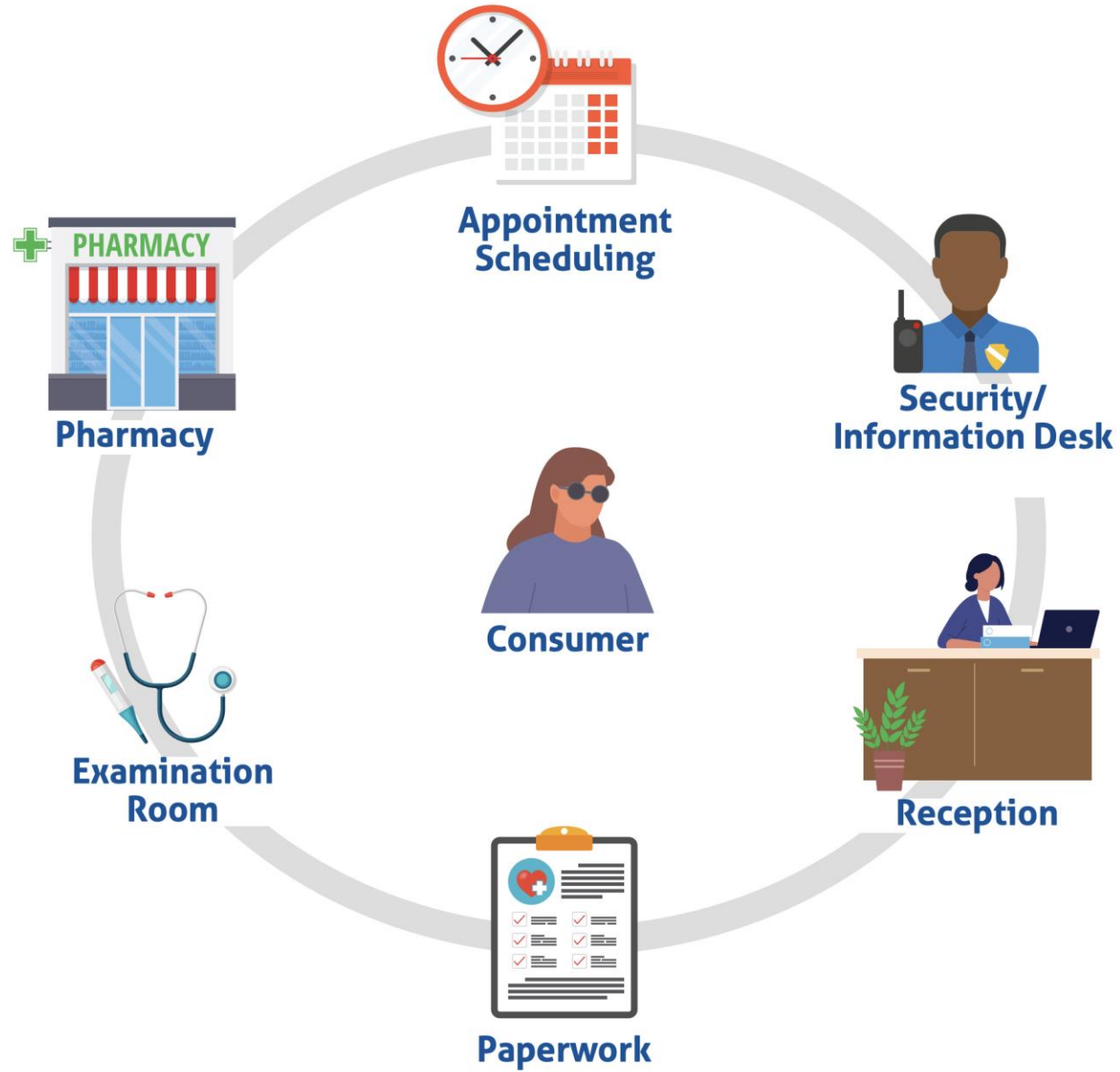
# Effective Communication



# Effective Communication Requirement



**Communications with people with disabilities must be as effective as communications with others.**



# How do we make communication effective?



## **Provide communication aids and tools when necessary!**

- American Sign Language interpreters
- Video remote interpreting
- Notetakers
- Large print materials
- Captioning
- Accessible electronic and information technology

## **Interpreters must be qualified!**



# Choosing Communication Aids and Services

## **Not One Size Fits All**

Factors to consider:

- Individual's usual method of communication;
- Nature, importance, and duration of the communication.

**Give primary consideration to the person with a disability's choice of communication aid.**

# Interpreters are likely required when communication is lengthy or complex.



- Discussing a patient's symptoms and medical condition, medications, and medical history
- Explaining and describing medical tests, treatment options, medications, and surgery
- Providing a diagnosis, prognosis, and recommendation for treatment
- Obtaining informed consent for treatment
- Providing instructions for medications, post-treatment activities, and follow-up care
- Providing mental health services, including group or individual therapy
- Providing information about blood or organ donations
- Explaining living wills and powers of attorney
- Discussing complex billing or insurance matters
- Making educational presentations, such as birthing and new parent classes



# Companions

Entities must provide effective communication for companions who have communication disabilities.

- **Companions:**

- Any family member, friend, or associate of a person seeking or receiving an entity's goods or services who is an appropriate person with whom the entity should communicate.



# Surcharges Prohibited

- Healthcare providers **may not place a surcharge** on a particular person with a disability to cover the costs of communication aids and services or reasonable modifications.





# Limitations: Effective Communication

- **Undue burden**
- **Fundamental alteration**

These limitations are rare!

# Take Action!





# Evaluate for Policy and Practice Barriers

## Modernizing Health Care to Improve Physical Accessibility - A Primer for Providers

- Do patient intake forms include an area to capture patient needs related to accessibility?

## Getting the Care You Need - Guide for People with Disabilities



# Model Forms and Policies

[Barrier Free Health Care Initiative](#)

[Model Communication Assessment Form](#)

[Dear Colleague Letter re: Effective Communication](#)

[Example of a Policy and Procedure for Providing Auxiliary Aids for Persons with Disabilities](#)

**Model Communication Assessment Form**

We ask this information so that we can communicate with patients and or companions who are deaf or hard of hearing effectively. All communication aids and services are provided FREE OF CHARGE. If you need further assistance, please ask your nurse or other hospital personnel.

\_\_\_\_\_

**Date**

\_\_\_\_\_

**Name of Person with Disability**

\_\_\_\_\_

**Patient's Name**

**Nature of Disability:**

Deaf

Hard of Hearing

Speech Impairment

Other: \_\_\_\_\_

**Relationship to Patient:**

Self

Family Member

Friend

Other: \_\_\_\_\_

# ADA.gov



- [Access to Medical Care for Individuals with Mobility Disabilities](#)
- [COVID-19 and the Americans with Disabilities Act](#)
- [Service Animals](#)
- [Frequently Asked Questions about Service Animals and the ADA](#)
- [Effective Communication](#)
- [Communicating with People Who Are Deaf or Hard of Hearing in Hospital Settings](#)
- [Telehealth](#)

# Centers for Medicare & Medicaid Services: Improving Access to Care for People with Disabilities



[CMS Improving Access to Care for People with Disabilities](#)

[Modernizing Healthcare to Improve Physical Accessibility:  
Resources Inventory](#)

[Web Based Training Course: Modernizing Health Care to Improve  
Physical Accessibility](#)



# Q & A

# ADA & Healthcare Webinar Series



## **#4: Disability Allyship in Healthcare**

April 4, 2024 (Thursday)

12:00-1:00 PST

<https://nwadacenter.org/oha-healthcare/>

## **Questions about the ADA?**

1-800-949-4232

[nwadactr@uw.edu](mailto:nwadactr@uw.edu)