



Ensuring Equitable Access During Inequitable Times: ADA and the Ongoing COVID Pandemic

April 10, 2023



WELCOME

Who Are We?

VCIL is Vermont's independent living center.

Our services are statewide and are provided free of charge.

We are people with disabilities working together for dignity, independence, and civil rights.



AGENDA

This webinar will focus on ADA protections to access medical care during an ongoing pandemic.

We will cover:

- Who qualifies under the Americans with Disabilities Act
- What's covered under Title I, Title II, and Title III of the ADA
- How to request reasonable accommodations to protect yourself against COVID (and some examples)
- What to do if your request isn't granted
- Q & A

What is the ADA?

The Americans with Disabilities Act (ADA) became law in 1990.

It prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public.

The purpose of the law is to make sure that people with disabilities have the same rights and opportunities as everyone else.

Who Qualifies?

The ADA protects people who:

- Have a physical or mental impairment that substantially limits one or more major life activity
- Have a record of such an impairment
- Or are regarded as having such an impairment

This will likely include most people who are high risk for COVID illness, including longhaulers and the immunocompromised.

Disability can be temporary or currently controlled or inactive.

What is a Major Life Activity?

This includes things such as:

- Caring for one's self
- Performing manual tasks
- Learning
- Working
- Walking
- Concentrating
- Thinking
- Seeing

This is determined on a case-by-case basis. There is no list of eligible diagnoses for people to qualify.

Major Bodily Functions

The law also includes major bodily functions such as:

- Immune system
- Cell growth
- Digestive
- Bladder
- Bowel
- Neurological
- Brain
- Respiratory
- Circulatory
- Endocrine
- Reproductive

What's Covered Under the ADA?

The ADA consists of five parts:

- Title I: Employment
- Title II: State and Local Government
- Title III: Public Accommodations
- Title IV: Telecommunications
- Title V: Miscellaneous Provisions

We will share more information about the first three titles, but the main focus for today's webinar is on healthcare under Title III.

Title I: Employment

Employers must provide people with disabilities equal opportunity to benefit from the employment-related opportunities available to others.

This includes things like:

- Recruitment and hiring
- Promotions
- Training and pay
- Social activities

Employers with 15 or more employees must comply with this law.

Title II: State and Local Government

State and local governments must provide equal opportunity to benefit from all of their programs, services, and activities.

Some examples include:

- Public education
- Transportation
- Social services
- Town meetings
- Voting
- Social services
- Public health care
- Courts

Title III: Public Accommodations

Places of public accommodation—including businesses and non-profits—must provide people with disabilities an equal opportunity to access the goods or services that they offer.

Some examples include:

- Hospitals
- Dental and doctor offices
- Community mental health or designated agencies
- Retail stores
- Private schools or daycares
- Private transit such as taxis or shuttles

Reasonable Accommodations

Full and equal access for people with disabilities is provided by:

- Effective communication
- Accessible facilities
- Reasonable modifications of policies, practices, and procedures

Having safe and equal access to health care is federal law—not special treatment!

It does not matter what current COVID policies are; policies and procedures may need to be modified so people with disabilities have the full benefit of existing services.

What Are Some Examples of Reasonable Accommodations and Modifications?



Some Examples...

- All staff members you interact with will wear N95 masks
- Private transport with a masked driver (Medicaid or shuttle)
- Replacing in-person appointments with telehealth or video appointments
- Having ambulatory services provide care at home (vaccines, blood draws, infusions, etc.)
- Doing check in from the car and waiting in the car until you are called into the appointment

Some More Examples...

- Having outside visits with a PCP
- Receiving masked services in the parking lot (e.g., vaccines, testing)
- Being granted an appointment before the space is open to the general public
- Being granted a private room with a closed door and only masked staff entering (e.g., infusion suite, in-patient, recovery)
- Having staff put a mask on you immediately after surgery

Even More Examples...

- Being given the first appointment of the day with windows open
- Using a non-public back or side entrance
- Being able to bring in a portable HEPA purifier or UV light
- Reserving a stand alone half day of masked appointments for just one family (e.g., dental office doing cleanings and fillings for all household members)
- Having a staff member coordinate scheduling (e.g. before masks go away or to reduce number of visits)

What Is Required to Make a Request?

- You can request at point of service
- It can be verbal or in writing
- You don't need to specifically mention ADA
- You do not need to disclose your disability

What's Worked Well for Others...

None of this is required by law, but we find that it helps!

- Call in advance
- Be confident in making your request
- Write it down in advance
- Request information
- Follow-up
- Provide regional ADA center contact info
- Confirm and thank

Who Can Help Me?

Peer Support:

- VCIL Pandemic Equity Team
- VCIL Community Access Team

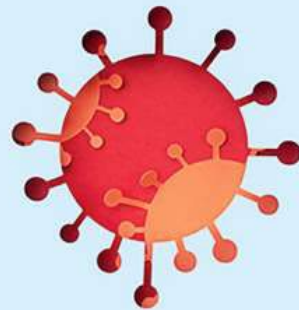
File Complaints:

- Department of Justice
- Office for Civil Rights

Legal Support:

- Disability Rights Vermont
- Vermont Legal Aid Disability Law Project
- Human Rights Commission

Questions



By Claiming Your Own Rights, You Help Us All!

