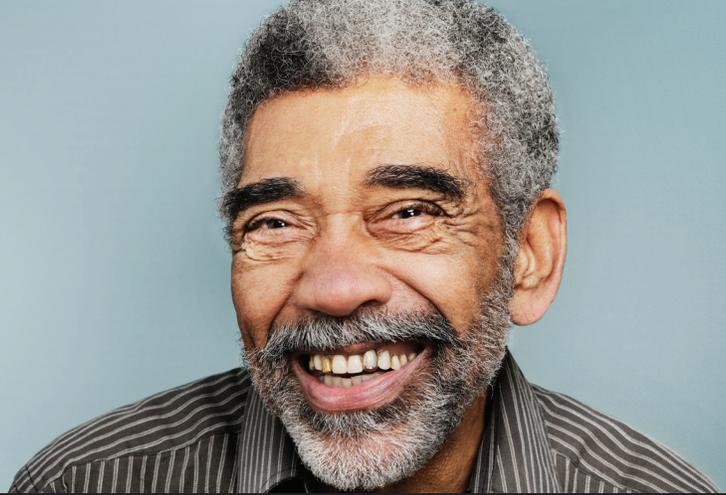


DISABILITY & AGING RIGHTS



DEVELOPED BY EQUIP FOR EQUALITY UNDER A GRANT PROVIDED BY THE ILLINOIS DEPARTMENT ON AGING



DISCRIMINATION

Access to Hospitals and Other Healthcare Facilities Under Title III of the ADA

People with disabilities, including older Americans who have a physical, cognitive, sensory or mental impairment, have rights under the Americans with Disabilities Act (ADA). Title III of the ADA prohibits private entities that are “places of public accommodation” from discriminating against people with disabilities. Private hospitals and other healthcare facilities are considered “places of public accommodation” and must provide people with disabilities an equal opportunity to receive the services they provide. Healthcare facilities must make reasonable changes to their policies, procedures and practices to provide equal access to people with disabilities. This fact sheet will discuss the steps that hospitals and other healthcare facilities must take under Title III of the ADA to make sure that people with disabilities have access to healthcare services.

Healthcare facilities covered under Title III

All private healthcare facilities must follow the requirements of Title III of the ADA, no matter the size of their office or the number of employees they have. Title III applies to providers of both physical and mental health services. Examples of facilities covered by Title III include private hospitals, mental health facilities, health clinics, dentists and offices of private physicians.

Equal access and quality of care

Your hospital or other healthcare facility cannot deny you access to the facility or refuse to treat you because of your disability. If you are requesting treatment or services that are offered to other patients, the provider must offer that treatment or service to you, no matter what your disability is.

You have a right to receive the same quality and level of care from your healthcare provider that other patients receive. Your provider must listen to your concerns, perform any tests or examinations as are medically appropriate, and provide appropriate treatment as the provider would with all other patients. You should not have to wait longer for assistance or wait in a different area than others to receive services. Your provider cannot charge you more than other patients for the same services.

A hospital or healthcare facility must make reasonable changes to its policies, procedures and practices to make sure that you receive the same services and care as other patients

For example, hospital staff may need to change practices by taking more time to explain a procedure to you than they routinely take for other patients.

Please note that a healthcare facility does not have to provide services to you if you are requesting services it does not offer to other patients. For example, if you are requesting treatment for a broken foot, but the healthcare facility specializes in providing medical services related to heart problems, the ADA does not require the healthcare facility to treat your broken foot if it would refuse to provide such services to other patients.

A healthcare facility can also refuse to provide services to you if you pose a direct threat to the health or safety of others at the facility. The facility must assess you and determine if the risk you pose can be eliminated or reduced if the facility reasonably changes its policies, procedures or practices for you, or if the facility provides you with auxiliary aids or other services.

Auxiliary aids

Effective communication is very important in the health care setting. Hospitals and other healthcare facilities must provide you with appropriate auxiliary aids when they are needed to make sure you can effectively communicate with staff and understand the information that your healthcare provider is sharing with you. The facility must also provide auxiliary aids to any family member, friend or associate who is involved in your care.



Auxiliary aids are services or devices that help people with visual, hearing, speaking or other impairments have an equal opportunity to receive an agency's services. If you know you are going to need an auxiliary aid at an upcoming appointment, it is a good idea to let the healthcare provider know ahead of time that you will need it, as some auxiliary aids are not already available at the facility.

For people with a visual disability, examples of auxiliary aids include qualified readers, taped texts, audio recordings, Brailled materials, large print materials, screen reader and magnification software, optical readers, and accessible electronic and information technology.

For persons with a hearing disability, examples of auxiliary aids include qualified sign language interpreters, note takers, computer-aided transcription services, written materials, telephone handset amplifiers, assistive listening devices, telephones compatible with hearing aids, closed caption decoders, TTYs, video remote interpreting and open and closed captioning.

NOTE: If you have a hearing disability, your healthcare provider cannot require you to bring your own interpreter to assist you in communicating. If you bring someone with you to the facility, facility staff should not rely on that person to interpret for them unless it is an emergency or you specifically request that the person interpret for you, the person agrees, and it is appropriate under the circumstances.

Hospitals and other healthcare facilities should involve you in the decision about which auxiliary aid is most appropriate. The healthcare facility is not required to provide you with the specific auxiliary aid you request as long as the auxiliary aid offered by the health care facility effectively assists you in communicating with the hospital.

A healthcare facility also does not have to offer a particular auxiliary aid if offering it would be significantly difficult or expensive, or would fundamentally alter the goods and services the facility provides. If the healthcare facility does not provide an auxiliary aid for these reasons, it must provide a different aid or service, if one exists, to make sure that you are able to use the facility's services.

Service animals

A service animal is a dog that is trained to perform tasks for a person with a disability. If you use a service animal because of your disability, a hospital or other healthcare facility should allow you to use your service animal in any areas of the facility that the public is usually allowed to go. Such areas may include waiting rooms, exam rooms or a cafeteria. The public might be excluded from some areas of the healthcare facility. For these areas, staff may refuse to allow your service animal. For example, a hospital may refuse to allow your service animal in the operating room because it must remain a sterile environment.

The facility can ask that you remove your service animal from the facility if the animal is out of control or is not housebroken. The

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staff should not ask you to provide written proof that the animal you bring into the facility is licensed, certified or trained as a service animal. However, they can ask you two questions: (1) Is the dog a service animal required because of a disability? And (2) What work or task has the dog been trained to perform? Note: Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA. The work or task a dog has been trained to provide must be directly related to the person's disability.

Physical accessibility

You should be able to physically enter your hospital or other healthcare facility no matter what your disability is. Healthcare facilities

should remove any physical barriers that would prevent or make entry difficult for people with disabilities. Examples of steps that a healthcare facility may take to remove barriers include installing a ramp outside the facility, providing a clear floor and turning space for wheelchairs in exam rooms, widening doorways, rearranging furniture, and installing grab bars in toilet stalls.

Your hospital or other healthcare provider does not have to remove certain physical barriers if doing so would not be easy to accomplish or would result in much difficulty or expense. If your healthcare provider does not remove a physical barrier for this reason, it should take any other steps available to make its facility physically accessible to you. ■

For more information:

Equip for Equality: **1-800-537-2632** or **www.equipforequality.org**

U.S. Department of Justice ADA Information Line: **1-800-514-0301** or **1-800-514-0383** (TTY)

U.S. Department of Justice Barrier-Free Health Care Initiative:
www.ada.gov/usao-agreements.htm



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Illinois Department on Aging
One Natural Resources Way
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Senior HelpLine:
1-800-252-8966
1-888-206-1327 (TTY)
www.illinois.gov/aging

The Illinois Department on Aging does not discriminate in admission to programs or treatment of employment in programs or activities in compliance with appropriate State and Federal statutes. If you feel like you have been discriminated against, call the Senior HelpLine at 1-800-252-8966, 1-888-206-1327 (TTY).