

Supporting Access to Information for Individuals with Disabilities

Bridget Berardino
Office of Hearings and Inquiries, CMS

Kimberly Snowden
Office of Hearings and Inquiries, CMS

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Polling Question

- On a scale of 1 to 4, how well does your organization communicate with disabled individuals, including providing materials in accessible formats such as Braille or large print?

1 – Not very well

2 – Somewhat well

3 – Pretty well

4 – Extremely well

Purpose

- Today's discussion is focused on communications accessibility

Section 504 of the Rehabilitation Act of 1973

- Section 504 ensures that people with disabilities have equal access to programs, services, activities, and facilities that receive Federal financial assistance.

Section 504 Requirements

- 45 CFR Parts 84, 85 and 92

Accessible Communication

- A covered entity must provide auxiliary aids and services to individuals with disabilities free of charge and in a timely manner when necessary to ensure an equal opportunity to participate and benefit from the entity's health programs or activities.
- Auxiliary aids are services or devices that allow disabled individuals to have an equal opportunity to participate in, and enjoy the benefits of, CMS programs and activities.

Examples of Auxiliary Aids & Services

- Media for visually impaired
 - Large print and Braille documents
 - Audio and data CD
- Access for hearing impaired
 - Federal relay
 - Video phones
 - TTY services



Sections 504 and 508

- Sections 504 and 508 complement each other to support communication accessibility.
- Section 508 requires information available via technological tools (such as websites) be accessible.
- Section 504 requires accessibility, regardless of technology.
 - For example, a website could be Section 508 compliant, but an individual may still request the information in Braille.

Electronic Services

- Plans must also ensure that individuals with disabilities can access and use all health programs and activities provided through electronic technology, including (but not limited to):
 - Internet applications/websites
 - Online appointment systems
 - Electronic billing
 - Information kiosks

Section 504 Compliance

- CMS is beginning to review data from the CTM to look for trends in plan enrollee complaints regarding communications accessibility.
- Initial results indicate that plans generally appear to have effective mechanisms to respond to inquiries or issues they receive.
- Please continue to stress the importance of this vital service.

Section 504 Compliance

Please ensure your organization:

- Provides regular notice to your customers that auxiliary aids and services are available
- Informs enrollees how to file a complaint with you so you can resolve any problems quickly
- Trains staff to recognize, and appropriately respond to, requests for accessible formats
- Monitors its fulfillment operations and electronic communications to identify gaps and/or improvement opportunities

Summary

- Section 504 protects individuals with disabilities from discrimination.
- Medicare Health and Drug Plans must inform their customers of the availability of, and provide, appropriate auxiliary aids and services.
- Sections 504 and 508 differ but both support communication accessibility.

Where to get help

- Questions on accessible communications, as required by Section 504, or questions related to applying Section 1557 of the ACA to individuals with disabilities, should be sent to your CMS Account Manager, who can coordinate as needed to provide support.
- Questions regarding Section 1557, including language accessibility, should be sent to HHS' Office for Civil Rights at: 1557@hhs.gov. Please cc your CMS Account Manager.

Questions and Answers

Question 1

Do Medicare Health and Drug plans have to give notice that, upon request, they will provide communications and publications in accessible formats?

Answer 1

Yes. Each plan must take steps to notify beneficiaries, enrollees, applicants and members of the public, including potential enrollees.

Question 2

Do Medicare Health and Drug Plans have to convert all documents into various accessible formats in anticipation of a request?

Answer 2

No. Plans need only make documents available in accessible formats upon request. It is the Plan's business decision as to whether or not maintaining stock of pre-converted materials meets your operational needs; however, we remind all Plans that it is important to provide requested information in a timely manner. As an additional reminder, materials available online must be accessible.

Question 3

What should a plan do if it has questions about the provision of communications and publications in accessible formats to disabled individuals?

Answer 3

Please contact your CMS Account Manager. The account manager will work with the CMS Customer Accessibility Resource Staff (CARS) to provide assistance.

Thank you!