ASSISTING CONSUMERS WITH DISABILITIES

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AGENDA

- Reminders

- Selecting health plans: some items and services to consider

- Outreach to people with disabilities

- Ensuring that meetings are accessible

REMINDERS

- Laws that prohibit discrimination

- Disability etiquette

Laws that Prohibit Discrimination

- Section 1557 of the Affordable Care Act

- Section 504 of the Rehabilitation Act

- Americans with Disabilities Act

- Marketplace Regulations, 45 CFR §155.215

Disability Etiquette

- Person-First v. Identify-First Language

- Speak directly to the person as opposed to interpreters, companions, support providers, etc.

- Avoid contact with service animals, canes, wheelchairs, hearing aids, etc.

- If you want to provide assistance, offer it first

- Do not be afraid to say you do not understand/repeat what you understood

- Avoid using perfumes or other types of chemical smells

- **Avoid using phrases like "wheelchair bound" or "special." These are interpreted as stigmatizing**

Selecting Health Plans

- Drug formularies

- Access to Durable Medical Equipment, Prosthetics/Orthotics & Supplies (DMEPOS)

- Covered benefits

- Network Adequacy

Drug Formularies

- Are the medicines covered?

- What tier?

- What cost sharing?

- Are there utilization management requirements?

Access to Durable Medical Equipment (DME) (Catheters, Scooters, Prosthetics, Wheelchairs)

DMEs include catheters, scooters, prosthetics, and wheelchairs. Consider:

- Cost sharing

- Utilization management

- Coverage caps/ exclusions

- Repair Policies

Covered Benefits

In addition to prescription drugs & DME, consider these Essential Health Benefits (EHB) factors

- Habilitation & Rehabilitation benefits

- Coverage of mental health services

- Cost sharing, deductibles, limits on the number of visits

High deductible plans are often problematic for people who have considerable medical needs (may need to go with higher metal level plans).

Covered Benefits: Network Adequacy

- Compare reimbursement for in and out of network and cost-sharing

- Many people with disabilities prioritize keeping their current Primary Care Physician

- Many people with disabilities already have specialists meeting critical needs (endocrinologist, ENT, neurologist, physiatrist, rehab medicine, etc.) and prioritize keeping their specialists

Covered Benefits: Network Adequacy (Cont'd)

- Provider Directories

  – Often include languages physicians speak fluently (should but often do not include ASL)

  – Often don't indicate which providers are taking new patients

  – Often do not indicate whether physicians have physically accessible offices or accessible medical diagnostic equipment

Additional Challenges

- Limited supply of in-network providers

- Obtaining effective communication with provider

- Medicaid Unwinding

  – People who lost Medicaid may still be eligible

  – People who lost Medicaid may be unfamiliar with EHB and need services not provided under Marketplace plans

OUTREACH TO PEOPLE WITH DISABILITIES

- Making and receiving calls

- A note about HIPAA

- Effective communication

- Auxiliary aids and services

- Easy read

- CART

Don't Hang Up!

- ADA Title IV created a nation-wide telecommunications relay service (TRS) for users with disabilities.

- Since then, the FCC has issued several notices to the public reminding them that they should not hang up.

- Title III of the ADA states businesses must answer telephone calls from TRS in the same manner that it responds to other telephone calls.

Making a Call

- In 2009, the FCC created a system that provides phone numbers to users with disabilities who use TRS. This means hearing users usually do not need to dial the TRS call center first (i.e. 7-1-1).

A Note on HIPAA

The sharing of protected health information between a covered health care provider and a patient through the TRS is permitted by the Privacy Rule under 45 C.F.R. 164.510(b), and a business associate contract is not required in these circumstances.

Effective Communication

- The purpose of the effective communication rules is to ensure that the person with a vision, hearing, or speech disability can communicate with, receive information from, and convey information to, the covered entity.

- Covered entities must provide auxiliary aids and services when needed to communicate effectively with people who have communication disabilities.

Effective Communication (Cont'd)

- The key to communicating effectively is to consider the nature, length, complexity, and context of the communication and the person's normal method(s) of communication.

- The rules apply to communicating with the person who is receiving the covered entity's goods or services as well as with that person's parent, spouse, or companion in appropriate circumstances.

Auxiliary Aids and Services

…refer to the ways to communicate with people who have communication disabilities.

- qualified reader; information in large print, Braille, or electronically for use with a computer screen-reading program; or an audio recording of printed information

- qualified notetaker; qualified sign language interpreter, oral interpreter, cued-speech interpreter, or tactile interpreter; real-time captioning; written materials; or a printed script of a stock speech

- qualified speech-to-speech transliterator

Easy Read

- Easy read is a format designed to make information accessible to people with intellectual and developmental disabilities (IDD)

- One Idea Per Line from the Autistic Self Advocacy Network: https://autisticadvocacy.org/wp-content/uploads/2021/07/One-Idea-Per-Line.pdf

CART v. ASR

- **Communication Access RealTime Translation (CART)** is the instant translation of speech into text by a human using a stenotype machines, computer or real-time software.

- **Automatic Speech Recognition (ASR)** is a technology capability that processes speech to text. The accuracy rates vary depending on the software. Lack of punctuation and incorrect acronyms can manifest in ASR. ASR has also been shown to generalize poorly on accented speech.

MEETINGS

- Meeting notices

- In-person meetings

- Remote meetings

Meeting Notices

Meeting notices should include the following:

- Point of contact

- E-mail and/or phone number

- Date

- If already planning to provide auxiliary aids and services, include this too!

Notice Example

Both captioning and sign language interpreters will be provided for this meeting/event. If you need any other reasonable modifications, please contact [staff hosting meeting] by emails at [email] or by phone at [phone] as soon as possible, but no later than [days] days prior to event.

In-Person Meeting

- Accessible location: Check the entrance, paths of travel, meeting room(s), bathrooms, and presentation stage.

- Hybrid meeting-

  – make sure people with disabilities who are participating virtually can communicate to the same extent as people who attend in person

In-Person Meeting (Cont'd)

- When setting up auxiliary aids and services, think about:

  - Check for visibility (i.e. Are chairs close to the interpreters? Are auxiliary aids and services in the line of sight with the speaker? Is there sufficient light and are the backgrounds not busy?)

  - If captioner is remote, is the audio in a good location for the captioner to hear clearly?

In-Person Meeting (Cont'd)

- When setting up auxiliary aids and services, think about:

  – Are microphones set up in a way that they effectively connect to assistive listening device(s)?

  – Do auxiliary aids and service providers have access to the agenda, acronym lists and relevant materials?

In-Person Meeting (Cont'd)

- Establish an agenda and stick to it

- Reduce audio and visual distractions

- Inform speakers of accessibility requirements (i.e. visual descriptions)

- Ensure that any materials are provided in accessible formats as needed / requested.

Three Elements of an Accessible Remote Meeting

1. The meeting platform

2. The content that is shared

3. The accessibility awareness of the host and participants

Set Communication Rules

1. Provide visual descriptions of individuals and images

2. State names before speaking

3. Avoid acronyms and jargon

4. Discourage screen sharing

5. Provide external link for captions

6. Host should express auditorily the questions and comments from chat box

7. Host should control cross talk and coordinate equitable participation

PRACTICE, PRACTICE, PRACTICE!

Meeting Resources

- Section508.gov [Create Accessible Meetings](#)

- World Wide Web Consortium (W3C) Group Draft Note: [Accessibility of Remote Meetings (May 17, 2022)](#)

- World Wide Web Consortium (W3C) Editor's Draft: [Accessibility of Remote Meetings (June 1, 2022)](#)

- U.S. Access Board [January 13, 2021 Accessible Virtual Meetings Presentation](#)

Questions

Administration for Community Living