

# Assisting Consumers with Disabilities

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# General Guidelines about People with Disability

- People with disabilities are more like the general population than they are different.
- Treat people as you would want to be treated.



# Relevant Laws



# The Americans with Disabilities Act of 1990 (ADA)

The ADA protects people with disabilities from discrimination with five titles:

- Title I guarantees that people with disabilities have the same employment opportunities and benefits available to people without disabilities. It also provides for reasonable accommodations on the job.
- Title II requires services, programs, and activities of state and local governments to provide people with disabilities an equal opportunity to benefit from all their programs, services, and activities.



## The ADA Titles (continued)

- Title III directs private businesses to make "reasonable modifications" to their usual ways of doing things to equally serve people with disabilities.
- Title IV requires telephone companies to provide services allowing callers with hearing and speech disabilities to communicate.
- Title V contains a variety of provisions relating to the ADA, including its relationship to other laws, state immunity, its impact on insurance providers and benefits, prohibition against retaliation and coercion, illegal use of drugs, and attorney's fees.



# The ADA's Requirements for Buildings

- Most public or commercial buildings built for first use after January 26, 1993, must be designed so they are readily accessible to and usable by people with disabilities.
- For existing facilities, public entities must ensure that their services are accessible “when viewed in their entirety.” This does not necessarily require retrofitting every building—but the program as a whole must be accessible.



# **A Closer Look at Title II of the ADA**



# Public Hospitals Must be Accessible

For people with physical disabilities, this means:

- Accessible parking spaces and entry
- Doors with lever handles
- Wheelchair accessible bathrooms with clear turning space, grab bars, and accessible sinks
- Clear pathways of travel to the rooms
- Entry doors that meet width requirements



# For People with Sensory Disabilities, this means:

- Allowing a service animal into the facility
- Providing qualified sign language interpreters, captioning services, braille materials, and large-print documents
- Providing information in accessible digital formats (screen reader-compatible PDFs, etc.)



# For People with Disabilities that Cause Sensory Sensitivity, this means:

- Using calming colors and minimalistic designs to reduce visual overstimulation
- Installing sound-absorbing materials to minimize noise levels in waiting areas
- Offering quiet rooms or sensory-friendly spaces for patients needing a break
- Training staff to recognize and accommodate sensory sensitivities
- Ensuring that communication methods include visual aids and written instructions



# Durable Medical Equipment (DME)

Medicare defines DME as items needed to function at home with a medical condition, disability, or injury, and meets the following criteria, used repeatedly, used for a medical reason, useful to someone who is sick or injured; used in the home and generally has an expected lifetime of 3 years or more To meet CMS' rules, a provider must:

- Verify that the equipment is medically necessary and prescribed by a qualified healthcare provider.



# CMS Rules Regarding DME (continued)

- Ensure proper documentation is maintained, including physician orders and patient medical records.
- Confirm that the DME supplier is accredited and enrolled in Medicare.
- Provide detailed information on the patient's diagnosis and treatment plan.
- Submit claims with accurate billing codes and supporting documentation.
- Keep records of all communications and transactions related to the DME provision.



# The New Requirements for Accessible Medical Diagnostic Equipment (MDE)

As of July 2024, MDE used by public and private entities that receive funding from HHS recipients must be accessible:

- The requirements apply to doctors, dentists, hospitals, clinics, emergency rooms, and other health care providers that use medical diagnostic equipment in providing their services.
- MDE includes, but is not limited to, examination tables, examination chairs for eye or dental exams and procedures, weight scales, mammography equipment, and x-ray machines.



# **The Health Insurance Portability and Accountability Act (HIPAA) and the ADA**



# The Challenges Regarding Communication

Healthcare organizations face a unique challenge when balancing patient privacy requirements under HIPAA with accessibility obligations under the ADA:

- **Interpreter services:** Establish contracts with certified interpreters who understand HIPAA requirements and sign appropriate confidentiality agreements.
- **Assistive technology:** Provide accessible communication devices that maintain privacy through secure connections and encrypted data transmission.



# The Challenges Regarding Communication (continued)

- Alternative formats: Develop procedures for creating accessible documents while maintaining PHI security during conversion processes.
- Family involvement: Create clear guidelines for when family members can assist with communication versus when professional accommodations are required.



# **DISABILITY ETIQUETTE: DOs and DON'Ts**



# Dos

- ✓ Talk directly to the person, not the person they are with.
- ✓ Presume competence-Remember the person is the best expert on his or her body, health and disability.
- ✓ If you don't understand the person, ask him or her to repeat it. If the person has a speech disability, he or she knows it and is used to repeating herself or himself.
- ✓ Focus on asset-based characteristics not deficit-based ones.
- ✓ Offer help and wait for acceptance before helping.



# Don'ts

- × Don't ask questions about their disability that aren't required or relevant to the matter at hand.
- × Don't confuse health with disability; the person with a disability may be perfectly healthy.
- × Don't assume the person has a lower quality of life.



# Resources

- ADA National Network. (2020). [Health care and the Americans with Disabilities Act.](#)
- ADA Southeast ADA Center. (2024). [The five titles of the Americans with Disabilities Act \(ADA\).](#)
- HIPAA Partners Team. (2025, November 18). [HIPAA accessibility compliance: Managing disability accommodations.](#) HIPAA Partners.



# Resources (continued)

- Legal Clarity Team. (2025, December 13). [\*DME CMS requirements: Coverage and documentation.\*](#)
- U.S. Access Board. (2024). [\*About the accessibility standards for medical diagnostic equipment \(MDE\).\*](#)
- Shapiro, J. P. (1993). No Pity: How the Disability Rights Movement is Changing America. Times Books.



# Thank You and Do You Have Any Questions?

