



Together we build a culture of fairness, diversity, and inclusion to improve health and achieve health equity.

Improving the Health of People with Disabilities

How to meet your legal obligations and make your programs accessible

Presenters

- **Sarah Hammond, Team Leader**
 - Health Center Branch, Division of Grants Management Operations (DGMO), Office of Federal Assistance Management (OFAM)
- **Sarah Williams, JD—Civil Rights Analyst**
 - HRSA Office for Civil Rights, Diversity, and Inclusion (OCRDI)



For general questions and assistance, please email: OCRDI@hrsa.gov or call 301-443-5636.



Training goals

Understand the importance of disability access

Understand your disability access obligations

Identify practical solutions for meeting your disability access obligations

Obtain disability access resources



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What is Disability Access?

Disability access is achieved when individuals with disabilities can equally and meaningfully participate in your programs and activities.



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Key Terms

Disability

- The term "disability" means, with respect to an individual:
 - a physical or mental impairment that substantially limits one or more major life activities;
 - a record of such an impairment; or
 - being regarded as having such an impairment.

Auxiliary Aid

- Auxiliary Aids are used to ensure effective communication with individuals who have disabilities that inhibit the ability to communicate. Examples include: sign language interpreters, braille materials, and real time captioning.

Reasonable Modification

- Any modification to policies, practices, or procedures, when the modification is necessary to afford goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities.

Programs and Activities

- Anything an organization does, especially regarding interactions with the public



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Prevalence of Disability

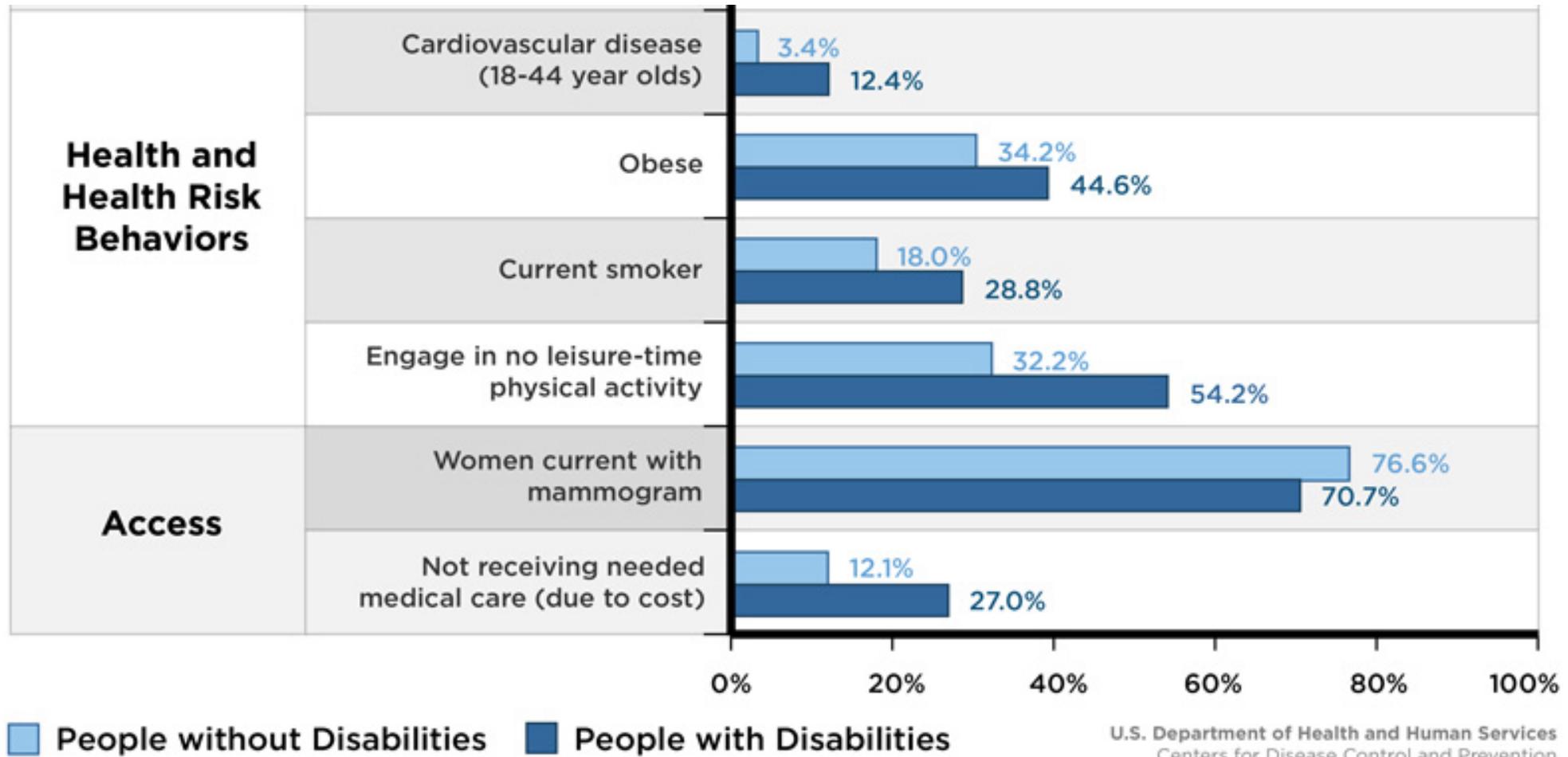
- 56.7 million adults (19%) had a disability in 2010, and 38.3 million adults (13%) had a severe disability (Census Bureau).
- 37.2 million adults (15%) had trouble hearing and 22.9 million (9%) had trouble seeing in 2015 (Centers for Disease Control).
- 42.4 million adults (18%) had a mental illness in 2015, and 9.8 million adults (4%) had a serious mental illness (National Institute of Mental Health).
- Over 1 in 4 of today's 20 year-olds will become disabled before reaching age 67 (Social Security Administration).



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Factors Affecting the Health of People with Disabilities and without Disabilities



U.S. Department of Health and Human Services
Centers for Disease Control and Prevention



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Disability Access: The Law

Section 504 of the Rehabilitation Act

- Prohibits discrimination on the basis of disability
- Applies to: HRSA and Recipients

Section 508 of the Rehabilitation Act

- Requires federal agencies to make electronic and information technology accessible to people with disabilities
- Applies to: HRSA

Section 1557 of the Affordable Care Act

- Prohibits discrimination based on disability (and other bases)
- Applies to: HRSA and Recipient health programs or activities

- Prohibits discrimination on the basis of disability
- Applies to: employers, state and local government services, public accommodations, commercial facilities, and transportation.

Americans with Disabilities Act (ADA)



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Enforcement and Compliance

HHS Office for Civil Rights (OCR)

Enforcement Agency

Reactive

HRSA

Funding Agency

Proactive



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Disability Access: Practice Scenario

Your program routinely includes family members in treatment session for its patients who are minors. A minor patient's father has a long term partner who is deaf and would like to take part in the treatment sessions. Do you need to provide a sign language interpreter for the partner?



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Recipients must not, on the basis of disability:

- Exclude from, deny, or afford a person with a disability an opportunity to participate in or benefit from a benefit or service that is not equal to what is afforded others;
- Provide a benefit or service to a person with a disability that is not as effective as what is provided others;



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Disability Access: Practice Scenario 2

Your program is in the process of obtaining an accessible exam table. Can you delay appointments with patients who have mobility based disabilities until the table is installed?



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Recipients must not, on the basis of disability (continued):

- Provide different or separate benefits or services to a person with a disability unless necessary to provide benefits or services that are as effective as what is provided others; or
- Apply eligibility criteria that tend to screen out persons with disabilities unless necessary for the provision of the service, program or, activity.



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Disability Access: Discussion Question

Give an example of when you might have to treat someone differently in order to provide them with the same or equal service?



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Recipients must:

- Provide services and programs in the most integrated setting appropriate to the needs of the qualified individual with a disability;
- Ensure that programs, services, activities, and facilities are accessible;
- Make reasonable modifications to policies and procedures to avoid discrimination based on disability, unless it would result in a fundamental alteration of the program;
- Provide auxiliary aids to persons with disabilities, at no additional cost;



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Recipients must (continued):

- Designate an employee to coordinate compliance with Section 504 (and the ADA);
- Adopt grievance procedures to handle complaints of disability discrimination; and
- Provide notice that indicates:
 - That the recipient does not discriminate on the basis of disability;
 - How to contact the employee who coordinates compliance with Section 504; and
 - Information about the grievance procedures.



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Disability Access: Practice Scenario 3

Your program has received a request for all correspondence to be provided in hard copy, large print format. Generally, you try to be “green” by providing most correspondence electronically. Can you provide large print correspondence via email instead?



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Developing an Effective Disability Access Plan

Reasonable Modifications

Effective Communication/Auxiliary Aids

Electronic and Information Technology

Physical & Medical Access

Nondiscrimination Notice & Grievance Procedure

Training



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Disability Access: Discussion Question 2

Can you use HRSA Grant Funds to pay for auxiliary aids and/or reasonable modifications?



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Accessibility is a Grant Requirement

HRSA Notice of Award:

“To serve persons most in need and to comply with Federal law, services must be widely accessible. Services must not discriminate on the basis of age, disability, sex, race, color, national origin or religion.”



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Using Grant Funds for Disability Access Services

- Consider your disability access costs and include those in your grant application. After the award is made you may formally request permission from HRSA to rebudget for unanticipated costs.
- Budgeted costs must be:
 - Allowable
 - Necessary and reasonable for the performance of the Federal award
 - Conform to any limitations or exclusions
 - Allocable
 - Incurred specifically for the Federal award
 - Be necessary to the overall operation of the non-Federal entity and is assignable in part to the Federal award
 - Reasonable
 - Generally recognized as ordinary and necessary
 - Comparable to market prices for goods or services
- Consult with the HRSA Grants Management Specialist and/or Project Officer



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Disability Access Resources

- **HRSA Manage Your Grant Page**
 - <https://www.hrsa.gov/grants/manage/index.html>
- **ADA.gov**
- **US Access Board**
 - <https://www.access-board.gov/>
- **HHS Office for Civil Rights Disability Discrimination Guidance**
 - [hhs.gov/civil-rights/for-individuals/disability/index.html](https://www.hhs.gov/civil-rights/for-individuals/disability/index.html)
- **HHS Office for Civil Rights Notice of Nondiscrimination**
 - <https://www.hhs.gov/civil-rights/for-individuals/section-1557/translated-resources/index.html>



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Contact

HRSA Office of Civil Rights, Diversity, and Inclusion

HRSACivilRights@hrsa.gov

301-443-5636

Budget, reporting and other administrative requirement questions:

Contact your Grants Management Specialist (on the last page of your Notice of Award)

Project goals, scope and other programmatic requirement questions:

Contact your Project Officer (on the last page of your Notice of Award)



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