



OFFICE FOR CIVIL RIGHTS

Office for Civil Rights

U.S. Department of Health
and Human Services

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KNOW THE RIGHTS THAT PROTECT INDIVIDUALS WITH DISABILITIES FROM DISCRIMINATION

What is Section 504?

Section 504 is part of the Rehabilitation Act of 1973: a Federal law that protects individuals from discrimination based on disability. Under this law, individuals with disabilities may not be excluded from or denied the opportunity to receive benefits and services from certain programs.

What is Title II of the Americans with Disabilities Act?

Title II of the Americans with Disabilities Act (ADA) is another law that prohibits disability discrimination. It applies to all state and local government agencies and offers protections similar to Section 504.

To whom do these laws apply?

Section 504 applies to entities that receive financial assistance from any Federal department or agency, including the U.S. Department of Health and Human Services (HHS). These entities include many hospitals, nursing homes, mental health centers and human service programs. The Office for Civil Rights (OCR) at HHS, ensures that entities receiving federal financial assistance comply with these laws. Title II of the ADA applies to all state and local government agencies, whether or not they receive Federal financial assistance.

Who qualifies as an individual with a disability?

Section 504 defines an individual with a disability as a person with a physical or mental impairment that substantially limits one or more major life activities. Major life activities include caring for one's self, walking, seeing, hearing, speaking, breathing, working, performing manual tasks and learning.

Some examples of impairments that may substantially limit major life activities include: HIV/AIDS, blindness or low vision, cancer, deafness, diabetes, heart disease, intellectual disabilities and mental illness.

This also includes people who have a history of a physical or mental impairment that substantially limits one or more major life activities or who have been subjected to a discriminatory action because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.

How are individuals with disabilities protected by these laws?

Public entities and those receiving HHS funding may not:

- Refuse to allow a person with a disability to participate in, or benefit from, their services, programs or activities because the person has a disability.
- Apply eligibility criteria for participation in programs, activities and services that screen out or tend to screen out individuals with disabilities, unless they can establish that such criteria are necessary for the provision of services, programs or activities.
- Provide services or benefits to individuals with disabilities through programs that are separate or different, unless the separate programs are necessary to ensure that the benefits and services are equally effective.

Public entities and those receiving HHS funding must:

- Provide services, programs and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.
- Make reasonable modifications in their policies, practices and procedures to avoid discrimination on the basis of disability, unless they can demonstrate that a modification would fundamentally alter the nature of their service, program or activity.
- Ensure that their programs, activities and services are accessible to and readily usable by individuals with disabilities.
- Provide auxiliary aids at no additional cost to individuals with disabilities, where necessary, to ensure effective communication with individuals with hearing, vision or speech impairments. Auxiliary aids include, but are not limited to, services or devices such as: qualified interpreters on-site or through video remote interpreting (VRI) services, note takers, assistive listening devices, television captioning and decoders, telecommunication products and systems, qualified readers, taped texts, Brailled materials, and large print materials.

For more information, visit us at: www.hhs.gov/ocr
U.S. Department of Health & Human Services Office for Civil Rights

How to file a complaint of discrimination with the Office for Civil Rights (OCR)

If you believe that you or someone else has been discriminated against because of disability by an entity receiving financial assistance from HHS, you or your legal representative may file a complaint with OCR. Complaints must be filed within 180 days from the date of the alleged discrimination.

You may send a written complaint or you may complete and send OCR the Complaint Form available on our webpage at www.hhs.gov/ocr. The complaint form is also available on our webpage in a number of other languages under the Civil Rights Information in Other Languages section.

The following information must be included:

- Your name, address and telephone number.
- You must sign your name on everything you write. If you file a complaint on someone's behalf — e.g. spouse, friend, client, etc. — include your name, address, telephone number, and statement of your relationship to that person.
- Name and address of the institution or agency you believe discriminated.
- When, how and why you believe discrimination occurred.
- Any other relevant information.

If you mail the complaint, be sure to send it to the attention of the regional manager at the appropriate OCR regional office. OCR has ten regional offices and each regional office covers specific states. Complaints may also be mailed to OCR Headquarters at the following address:

Office for Civil Rights
U.S. Department of Health and Human Services
200 Independence Avenue, SW.
H.H.H. Building, Room 509-F
Washington, D.C. 20201

To learn more:

Visit us online at www.hhs.gov/ocr

Call us toll-free at 1-800-368-1019

Email us: ocrmail@hhs.gov

TDD: 1-800-537-7697

Language assistance services for OCR matters are available and provided free of charge. OCR services are accessible to persons with disabilities.

www.hhs.gov/ocr

SECTION	Approval date:	
Office Management	Approved by:	
POLICY AND PROCEDURE	Effective date:	
Disability Rights and Provider Obligations	Revision date:	

POLICY:

Section 504 of the Rehabilitation Act of 1973 is a national law that protects qualified individuals from discrimination based on their disability. The nondiscrimination requirements of the law apply to employers and organizations that receive financial assistance from any Federal department or agency, including the U.S. Department of Health and Human Services (DHHS).

Section 504 forbids organizations and employers from excluding or denying individuals with disabilities an equal opportunity to receive program benefits and services. It defines the rights of individuals with disabilities to participate in, and have access to, program benefits and services.

Under this law, individuals with disabilities are defined as persons with a physical or mental impairment which substantially limits one or more major life activities. People who have a history of, or who are regarded as having a physical or mental impairment that substantially limits one or more major life activities, are also covered. Major life activities include caring for one's self, walking, seeing, hearing, speaking, breathing, working, performing manual tasks, and learning. Some examples of impairments which may substantially limit major life activities, even with the help of medication or aids/devices, are: AIDS, alcoholism, blindness or visual impairment, cancer, deafness or hearing impairment, diabetes, drug addiction, heart disease, and mental illness.

Section 504 prohibitions against discrimination apply to service availability, accessibility, delivery, employment, and the administrative activities and responsibilities of organizations receiving Federal financial assistance. A recipient of Federal financial assistance may not, on the basis of disability:

- Deny qualified individuals the opportunity to participate in or benefit from federally funded programs, services, or other benefits.
- Deny access to programs, services, benefits or opportunities to participate as a result of physical barriers.

Section 1557 is the nondiscrimination provision of the Affordable Care Act (ACA). The law prohibits discrimination on the basis of race, color, national origin, sex, age, or disability in health programs or activities that receive Federal financial assistance or are administered by an Executive agency or any entity established under Title I of the ACA. Section 1557 has been in effect since enactment of the ACA. The Section 1557 final rule applies to recipients of financial assistance from the Department of Health and Human Services (HHS), the Health Insurance Marketplaces and health programs administered by HHS.

The final rule is consistent with existing directives implementing the requirements under the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. It requires effective communication, including through the provision of auxiliary aids and services; establishes standards for accessibility of buildings and facilities; requires that health programs provided through electronic and information technology be accessible; and requires covered entities to make reasonable modifications to their policies, procedures, and practices to provide individuals with disabilities access to a covered entity's health programs and activities.

The final rule requires all covered entities to post a notice of consumer civil rights; covered entities with 15 or more employees are also required to have a civil rights grievance procedure and an employee designated to coordinate compliance. Under a new requirement, covered entities are required to post information telling consumers about their rights and telling consumers with disabilities and consumers with limited English proficiency (LEP) about the right to receive communication assistance.

According to Title 28, Code of Federal Regulations (CFR), section 35.151, all facilities designed, constructed; or altered by, on behalf of, or for the use of a public entity must be readily accessible and usable by individuals with disabilities, if the construction or alteration was begun after January 26, 1992. Any alteration to a place of public accommodation or a commercial facility, after January 26, 1992, must be made to ensure that, to the maximum extent feasible, the altered portions of the facility are readily accessible to and useable by individuals with disabilities, including individuals who use wheelchairs. The site shall meet city, county, and state building structure and access ordinances for persons with physical disabilities. A site/facility includes the building structure, walkways, parking lots, and equipment.

PROCEDURE:

1. A notice of consumer civil rights shall be posted in a prominent location in the clinic.
2. The clinic has the following safety accommodations available for physically disabled persons or has an alternative plan in place for making program services available to persons with physical disabilities (see checked items that apply):
 - Parking spaces for persons with physical disabilities are located in close proximity to accessible building entrances.
 - Each parking space reserved for persons with disabilities is identified by a permanently affixed reflectorized sign posted in a conspicuous place; or reasonable alternative if the provider has no control over availability of accessible parking within the lot or nearby street spaces for persons with disabilities: _____
 - Pedestrian ramps with a clear and level landing at the top and bottom of all ramps and on each side of an exit door – if the clinic has multiple levels.
 - Exit and exam room doorway openings have minimum opening of 32 inches with the door open at 90 degrees to allow for clear passage of a person in a wheelchair; or reasonable alternative: _____
 - Door hardware are operable with a single effort without requiring ability to grasp hardware (latch or push-bars instead of door knobs)
 - Effort to operate interior doors do not exceed 5 pounds of pressure
 - Furniture and other items do not obstruct exit doorways or interfere with door swing pathway
 - Accessible passenger elevator for multi-level floor accommodation; or reasonable alternative: _____
 - Clear floor space (at least 30-in. x 48-in.) for wheelchair in waiting area and exam room to accommodate a single, stationary adult wheelchair and occupant; and a minimum clear space of 60-inch diameter or square area to turn a wheelchair; or reasonable alternative: _____
 - Wheelchair accessible restroom facilities are available; or reasonable alternative: _____
 - Wheelchair accessible handwashing facilities are available; or reasonable alternative: _____
 - A 24-hour language and hearing-impaired interpreter services are available for all members either through telephone/video language services or interpreters on site
 - Other accommodations or specialized equipment (i.e., height adjustable exam tables, wheelchair accessible weight scales, signage in raised letters and Braille, etc.): _____
3. If any patient feels that they have been subject to discrimination in health care or health coverage, they may file a complaint of discrimination under Section 1557. They are encouraged to visit the Office of Civil Right's (OCR's) website at www.hhs.gov/ocr to file a complaint or to request a complaint package, or call OCR's toll free number at (800) 368-1019 or (800) 537-7697

(TDD) to speak with someone who can answer their questions and guide them through the process. OCR's complaint forms are available in a variety of languages. Individuals can also file lawsuits under Section 1557.

4. For sites with 15 or more employees – A civil rights grievance procedure is followed:
 - a. The employee designated to coordinate compliance is: _____
 - b. All civil rights discrimination complaints shall be processed following the site's *Member Grievances/Complaints* policy.
5. All site personnel shall receive information and/or training on patient rights and provider obligations under the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, and/or Section 1557 of the Affordable Care Act.
6. Training content includes information about physical access, reasonable accommodations, policy modifications, and effective communication in healthcare settings.

RESOURCES:

<https://www.hhs.gov/sites/default/files/ocr/civilrights/resources/factsheets/504.pdf>
<https://www.hhs.gov/sites/default/files/section-1557-final-rule-faqs.pdf>
<https://www.hhs.gov/sites/default/files/1557-fs-lep-508.pdf>
<https://www.ecfr.gov/search>

ATTACHMENTS:

[Notice of Nondiscrimination](#) (sample)
[Statement of Nondiscrimination](#) (sample)
[Physical Accessibility Review Survey Information and Tools](#)