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Understanding a physician's responsibility to comply with the ADA

By Anne Sumpter Arney

Like other healthcare providers, physicians are subject to myriad federal and state laws and regulations governing everything from medical records to reimbursement. Along with these many healthcare-specific compliance issues, physicians must also make sure their practices—both in person and remote—comply with the laws and regulations that govern the accessibility of healthcare for persons with disabilities.

According to the Centers for Disease Control and Prevention, 61 million adults in the United States, or one in four, have some form of disability.^[1] Access to healthcare for persons with disabilities is a civil right mandated by state and federal law.

The ADA and Rehabilitation Act of 1990

Over 30 years ago, President George H.W. Bush signed the Americans with Disabilities Act of 1990 (ADA) into law.^[2] Prior to the enactment of the ADA, the Rehabilitation Act of 1973 already prohibited discrimination against individuals with disabilities based on their disability in programs or activities that receive federal financial assistance, including health programs and services.^[3] Title III of the ADA expanded the prohibition on discrimination on the basis of disability beyond activities that receive public funds to any public accommodation or commercial facility.

Both Title II and Title III of the ADA and Section 504 of the Rehabilitation Act require that medical care providers provide individuals with disabilities:

- Full and equal access to their healthcare services and facilities; and
- Reasonable modifications to policies, practices, and procedures when necessary to make healthcare services fully available to individuals with disabilities, unless the modifications would fundamentally alter the nature of the services (i.e., alter the essential nature of the services)

Even if a physician does not participate in any federal program, offices are covered by Title III of the ADA as places of public accommodation; they are required to be accessible to disabled individuals.

The needs of patients with a disability are different not only from those without a disability but also from each other. According to the ADA, a person with a disability can have a mobility or physical disability, sensory (vision or hearing), intellectual, psychiatric, or other mental disability. The obstacles to accessibility for a particular patient and the necessary accommodation must meet the need of the particular disability.

The solution for someone with a visual disability will be completely different from the solution for a patient who

is deaf or has speech or mobility issues. Despite the difficulty of these challenges, the ADA and other civil rights laws require that each of these unique patients have access to the same care provided to those without disabilities. Accommodating the variety of patient disabilities will often require time with the patient and additional expense in the design and structure of an office or specific changes to the website for a virtual visit.

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