



## PEOPLE WITH DISABILITIES HAVE THE RIGHT TO BRING A SUPPORT PERSON WITH THEM TO THE HOSPITAL OR DOCTOR'S OFFICE

On June 9, 2020, the Office for Civil Rights (OCR) of the U.S. Department of Health & Human Services made it clear that all hospitals must allow any patients with disabilities to have a support person with them. This ruling was based on the two main laws that protect the rights of people with disabilities:

- The Americans with Disabilities Act (ADA), which says that discrimination against people with disabilities in all areas of public life is illegal; and
- Section 504 of the Rehabilitation Act, which says that all programs that receive federal money must give people with disabilities equal opportunity and access.

Here is a link to the ruling from OCR in a Connecticut case (*note that this ruling applies to ALL states*): <https://www.hhs.gov/about/news/2020/06/09/ocr-resolves-complaints-after-state-connecticut-private-hospital-safeguard-rights-persons.html>

- Here is a press release that explains the details of this ruling: <https://www.centerforpublicrep.org/wp-content/uploads/FINAL-Disability-Group-Press-Release-on-CT-OCR-Resolution-060920.pdf>

### **WHAT YOU SHOULD DO IF YOU NEED TO GO TO THE HOSPITAL:**

- (1) Print this document or have it on your phone.
- (2) Tell the hospital that you (or the person with you with) have/has a disability and that you need a support person with you because your support person is a “reasonable accommodation” under the Americans with Disabilities Act.
  - a. A support person can be a parent or other family member, paid caregiver, friend, or anyone you choose.
  - b. If your support person is sick or showing signs of sickness, the hospital has the right to turn them away for the safety of patients and medical staff. You can then seek out another, healthy support person to help you.
  - c. It doesn't matter what type of disability you have – the ADA covers ALL people with disabilities.
- (3) Explain to the hospital that you need a support person for the following reasons (choose which ones apply to your situation):
  - a. ***You need help communicating:*** your support person understands the way you express yourself, or can help you use a communication device.
  - b. ***You need help with personal care:*** your support person may need to assist you with eating, showering or toileting.
  - c. ***You need help making decisions:*** your support person will be able to help you understand what choices you have so that you can make informed decisions.

- d. **You need help talking to doctors and nurses:** Medical concepts are hard to understand. Your support person will be able to help you understand what doctors and nurses are saying.
- e. **You need to feel safe:** Some people panic and become anxious, get physical or even try to run away, if they don't have a support person with them.

(4) More details for you and your support person

- a. The hospital must provide personal protective equipment (PPE) (e.g., mask, gloves, gown) to your support person to keep them safe.
- b. You can have more than one support person but they must take turns being with you. You may only be allowed to have one support person with you at a time.
- c. Your support person is able to take a break and leave the hospital and come back at a later time.
- d. Your support person is allowed to eat, drink and use the bathroom while they are in the hospital with you. They do not have to stay at your bedside the entire time.

### WHAT IF THE HOSPITAL STILL GIVES YOU PUSHBACK?

- (1) Ask to see a copy of their official visitor policy. It will list a contact person – call that person.
- (2) Call your local Protection and Advocacy organization. Find your local organization here: <https://www.ndrn.org/about/ndrn-member-agencies/>.
- (3) File a complaint directly with the Office for Civil Rights through its complaint portal here: <https://ocrportal.hhs.gov/ocr/smartscreen/main.jsf>

Source: "A Self-Advocate's Guide to COVID-19" by the Autistic Self-Advocacy Network and Green Mountain Self-Advocates ([http://www.gmsavt.org/wp-content/uploads/2020/06/Part\\_9\\_Know\\_Your\\_Rights\\_Bringing\\_a\\_Supporter\\_to\\_the\\_Hospital\\_or\\_a\\_Doctor's\\_Office.pdf?fbclid=IwAR2win22Q-ktPj\\_8J6eO76b3XXXxV1qeI6whmqd58pDqXyFiCYjilbRtlfw](http://www.gmsavt.org/wp-content/uploads/2020/06/Part_9_Know_Your_Rights_Bringing_a_Supporter_to_the_Hospital_or_a_Doctor's_Office.pdf?fbclid=IwAR2win22Q-ktPj_8J6eO76b3XXXxV1qeI6whmqd58pDqXyFiCYjilbRtlfw))

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