

Healthcare Accessibility is a Patient Experience (and Legal) Issue



*How hospitals, nursing facilities, and other healthcare providers can
improve patient experience by following federal accessibility guidelines*

You've just taken the first step toward more accessible healthcare

Accessibility in healthcare ensures **patients with disabilities and their families receive equal access to services and information**. In order to provide equal access, reasonable accommodations and modifications are required of hospitals, nursing facilities and medical providers.

According to federal laws, people who are blind and people who have a visual disability or a reading disability are entitled to equal access and independence through accessible documents.

Accessibility is also about providing a quality, positive patient experience for all of your patients. Here's how you can be sure you're meeting federal guidelines and treating all of your patients with the dignity and respect they deserve.

The federal guidelines

There are several well-established laws that govern patient rights when communicating with blind, visually impaired or reading impaired individuals.

We've provided a brief summary of each of the applicable federal guidelines, and what your healthcare organization needs to do in order to be achieve compliance.



HIPAA

The Health Insurance Portability and Accountability Act (HIPAA), also known as Public Law 104-191, became a federal law enforced by HHS Office of Civil Rights in 1996. There are two sections of this law that pertain to accessibility in healthcare, as a result of other federal laws: Title II, Electronic Access, and Title V Privacy Rule, Security Rule and Enforcement.

Type II, Electronic Access, has a sister-act that was enacted in 2009, The Health Information and Technology for Economical and Clinical Health Act (HITECH). HITECH was designed to increase compliance with Electronic Health Records (EHR). Section 508 of The Rehabilitation Act addresses the need for accessibility in both front-facing public and internal electronic information.

Type V, gives patients the right to privacy and the right to decide who their information is shared with or who has access to records. Patients also have the right to secure records and information.



Here's what to do:

Only discuss patient information with the patient or with an advocate they have authorized, and never in a public setting. Remind staff not to post signs with any sensitive patient data.

Rehabilitation Act of 1973

This is one of the first civil rights laws for persons with disabilities that addressed **equality in the workplace, education, accessing public services and accessing information**. Section 504 and Section 508 outline the basis of the rights that are to be afforded to people with disabilities for government organizations, tax funded programs, not-for-profit and for-profit privately owned organizations. The ADA (American Disabilities Act) built upon these laws to better define what "access" meant. The Department of Justice, Office of Civil Rights enforces compliance.

Section 508 was added to address relevant technology access; this section has recently been updated and strengthened. Section 508 Refresh pertains to Information and Communication Technology (ICT), effective March 20, 2017.

A set of standards known as the **Web Content Accessibility Guidelines (WCAG)** have been implemented as the baseline of accessibility for digital information. WCAG are a set of guidelines that specify how to make content accessible, and they're currently utilizing version 2.0, approved in 2008. The guidelines are organized into levels of conformance (A, AA, and AAA). Recent court rulings have supported WCAG 2.0 AA standards as the baseline, even though a final ruling has not been offered by the United States Access Board. **WCAG 2.0 AA standards are the current recognized standard for meeting accessibility requirements.**



Here's what to do:

Make sure that all of your organization's digital assets and communication materials, including your website and all PDF forms, meet WCAG 2.0 AA guidelines.

Americans with Disabilities Act (ADA)

The Americans with Disabilities Act (ADA), became a law in 1990. It further enforced civil rights laws that were already in place to protect persons with disabilities from discrimination, refusal of service and equal access to goods and services. **The ADA made it a requirement to remove all barriers, including communication barriers, by providing accommodations and modifications to information.** The Effective Communication Rule of 2010 provided definitions for reasonable, effective communication for persons who are blind, have a visual disability or a reading disability.



Here's what to do:

If a person with blindness, visual impairment, or a reading disability states that they would like to review their information and sign forms on their own, be sure that the documents are available in the format of their preference — braille, large print, audio, or digital formats.

Affordable Care Act

The Affordable Care Act made it clear that patients and their families or caregivers have a right to **documents, instructions, statements, rights, explanation of benefits and other communications in understandable and accessible formats.** Further, the patient's method of communication and language must be made a priority. Braille, large print, audio, and digital materials that meet WCAG 2.0 AA standards are examples of communication methods that are alternatives to text-printed material and documents.



Here's what to do:

Train your staff on accessible document formats and how to provide them to patients. Also, remind them to ask every patient if they need an accessible format and what format is their preference.

NOTE: There are more legal mandates that vary based on the size of your organization, the patient population you serve, and how your organization is classified. For a comprehensive overview of the specific accommodations and requirements we recommend contacting an attorney that specializes in disability law.

Accessibility is a patient experience issue

Removing communication barriers is more than just a federal mandate, **it's the right thing to do for your patients with visual or reading disabilities. It's also the right thing to do for your organization.**

A positive experience for a person with a disability has a positive reach beyond that one interaction. Their families and advocates may be with them, and they too will see your organization's commitment to the respect and independence of all patients. Those positive stories affect your overall brand, through positive reviews on your website and social media reviews, comments and mentions.

Here's how accessibility can positively affect patient experience:

Independence

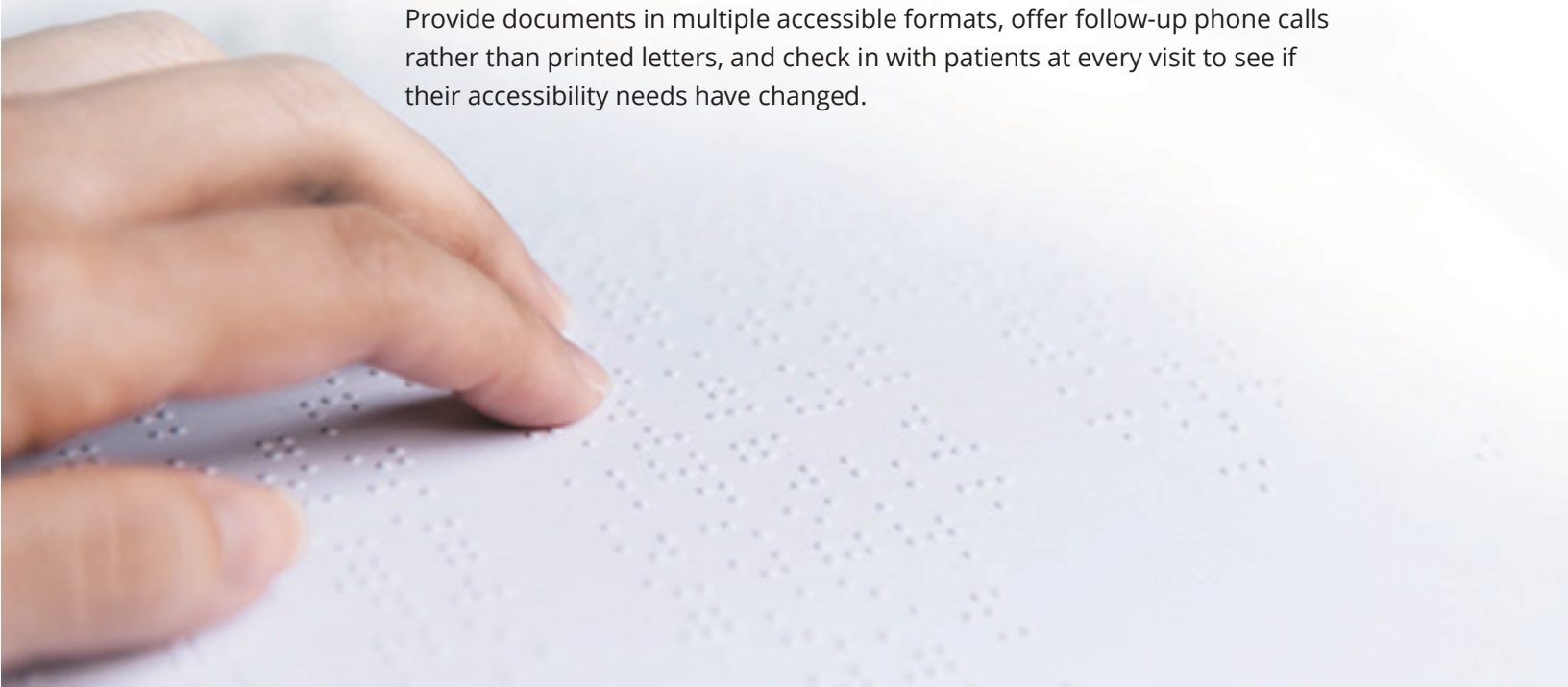
Having all standard patient forms and documents available in accessible formats gives your patients the independence and power to be active participants in their own healthcare decisions.

Privacy

Privacy is critical in healthcare communications. Ensure every patient's privacy by only communicating with the patient, unless they have designated that a family member or other advocate be present for conversations and/or review information. The most important thing your staff can do is respect your patient's wishes when it comes to their privacy.

Comprehension

Patient outcome can often be affected by a patient's comprehension of their condition, treatment, and follow-up care. When patients cannot read what they're signing or review information regarding their condition, it can be frustrating and frightening. Your organization can make all the difference. Provide documents in multiple accessible formats, offer follow-up phone calls rather than printed letters, and check in with patients at every visit to see if their accessibility needs have changed.



Reviewing accessibility in your facility

Review your current accessibility policies and any accommodations available for people who are visually disabled, blind and/or reading impaired.



Are all of your documents and forms offered in braille, large print, audio or a digital format that meets WCAG 2.0 AA standards (also known as section 508 compliant)?



Has a disability specialist or ADA coordinator been appointed to oversee and train the staff in meeting federal compliance?



Has every staff member been trained in effective communication and service when interacting with patients and others with a disability?



Does every staff member know how to work with people with disabilities and meet HIPAA compliance standards?



Is there an ADA contact person in every department of the facility/organization?



Is HIPAA being followed from the start of a patient's visit all the way through the end?



Is there an emergency plan for communication with people who are disabled, which protects their rights and follows the laws?

4 steps toward improving accessibility

If the answer to any of the questions in the previous section is “No,” or “I don’t know,” then your organization may need to take steps to improve its accessibility.

1 Create an accessibility statement

Create an accessibility statement that is easily found and accessible for all persons. Let people know that accessibility is a priority of your organization. The accessibility statement should include your organization's commitment to meeting the needs of all patients and their families, directions on how to request an accessible format, and how an individual with a disability should convey his or her needs to the facility.

Publish your accessibility statement on your organization's website, social media, and all printed materials — which of course are also offered in braille, large print, and audio formats.

2 Appoint a disability coordinator

Your disability coordinator will oversee all areas of compliance. Medical facilities often focus on removing physical barriers but tend to overlook communication barriers — and it's communication barriers are where a majority of compliance issues arise.

3 Identify standard forms

Any forms that are given to all of your patients must be made in an accessible format for people with a disability. Everyone has the right to review the documents they will be signing and to retain a copy of those documents.

Make sure that all of your standard forms are available in each of the most common accessibility formats: braille, large print, audio and WCAG 2.0 AA compliant electronic documents.

Remember, the law is clear: **the patient has the right to an accessible format and their preference should be the primary consideration in providing accessibility.**

4 Train the entire staff

All staff members and volunteers should be trained to ask if there is a communication barrier that would require an alternative to the standard printed document. When all patients are asked this question, the likelihood of unintentionally discriminating against a person or group of people is far less likely.





Treating people with visual disabilities

Healthcare professionals dedicate their lives to caring for others, including patients with disabilities. If, however, an employee has never treated a person with blindness or a visual disability, they may not know the best way to assist them. This is why **training is key to ADA compliance, and to respecting the rights, independence and integrity of your patients.**

Many compliance issues arise when an untrained employee unknowingly violates a person's rights. The Office of Civil Rights treats these types of violations in the same way they treat organizations that don't offer any accessibility to their patients — there is little leeway.

A great training program can help ensure legal compliance and an outstanding patient experience for everyone. The laws exist to provide equality and independence for people with disabilities, but the outcome is far more grand, offering respect and dignity to everyone your organization serves.

Here are some tips to remember when working with a person who is blind or has a visual disability:

1 Ask questions rather than making assumptions

Sometimes our best intentions get in the way of a good patient experience. Rather than making assumptions about a person's abilities, ask! Will the patient need assistance, and if so, what type would be most helpful?

2 Communicate clearly and often

When addressing a patient with visual impairment, introduce yourself clearly and let them know what you are doing as you do it. Even if the patient has an escort, remember to speak directly to the patient unless asked to do otherwise.

3 Keep your hands to yourself, unless asked

If a patient asks for assistance in locating something, do not grab their arm, hand, or cane. Instead, offer your elbow, shoulder, or arm for them to take and guide them to the location — but only at the request of the patient.

4 It's all about respect

Remember that respect, common sense, and sensitivity to the individual are most important of all.

5 Make sure your digital experience is compliant and accessible

Before you direct patients to your website or send an email, make certain both are ADA compliant and accessible.

We are your accessible document partner

Your organization is responsible for the materials a third-party vendor produces. **Quality and accuracy are key to being federally compliant.**

You should have a strong partnership with an accessible document company before a patient requests documents in braille, large print, audio or compliant PDF and electronic format. **Select a document accessibility company based on reputation, longevity and security.**

The laws for equal access to medical treatment, medical and billing information, and privacy were designed to provide equality to people with disabilities, which allows them greater independence and authority in their overall health and wellbeing.

When you start with all people in mind, everyone is included.