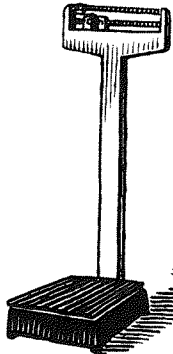


**► What Are My Rights to Accessible Health Care in New York City?**

If you are a person with a disability, **you have the right to equal access to health care.** Federal, state, and local disability rights laws protect people with various disabilities, including physical, psychiatric, developmental, and intellectual disabilities, as well as people who are blind or have low vision and people who are deaf or hard of hearing.



**Virtually all health care providers must make their services accessible to people with disabilities.** This includes large hospitals, small clinics, and the private offices of doctors, dentists, and specialists such as mental health providers, optometrists, and gynecologists.

**What is discrimination?** Doctors’ offices, hospitals, and clinics are not allowed to discriminate against you because of your disability. This means your health care provider cannot refuse to serve you because you have a disability, and must provide you with services that are equal to services provided to nondisabled people.

For example, a doctor might say she cannot help someone who uses a wheelchair because her office doesn’t have the right equipment. Or, she might examine a person while the person is still sitting in their wheelchair, even though the doctor can’t actually do a proper exam that way. Both of these examples could be discrimination.

**Sometimes doctors make inappropriate assumptions** or have bad attitudes about people with disabilities. For example, a doctor might assume a woman with a disability is not sexually active and fail to discuss family planning services. Or a doctor might talk to a patient’s aide instead of talking directly to the patient. These types of assumptions may cause doctors to treat people with disabilities differently from other nondisabled patients, and, if significant enough, might be considered discrimination.



**Health care providers must make “reasonable accommodations”** (or changes) to their services, buildings, and policies so that people with disabilities have equal access. You can ask a medical provider to make such changes.

**► What is a Reasonable Accommodation?**

What is *reasonable* under the law may depend on a few different factors. When you request a change, medical providers can consider the cost of the change, whether the change would make the building or service unsafe, and whether the change would “fundamentally alter” (meaning, change the core nature of) the service being offered. When deciding whether a proposed change is unsafe, medical providers must consider actual risks, not stereotypes or generalizations.

**The medical provider must pay** for the cost of reasonable changes and cannot charge you for it.

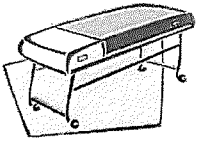


**Providers usually can’t use cost as a reason to deny your request.**

Health care providers must treat the cost of your request as part of the overall cost of operating their business.

For example, a doctor can’t refuse to provide a sign language interpreter just because the interpreter costs more than the doctor gets paid for the appointment.

Medical providers might be required to make many different types of reasonable accommodations in order to make health care accessible. For example, medical providers might be required to:

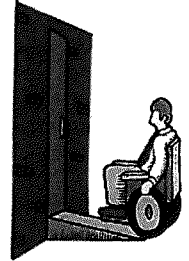


- **Provide accessible medical equipment** such as exam tables that raise and lower, Hoyer lifts, and platform weight scales for people who use wheelchairs or scooters. A doctor might need to have trained staff available or use positioning aids to comfortably and safely position you for a test or examination. You should not be required to bring a friend, family member, or aide to help you.

- **Remove architectural barriers** such as by widening doorways that are too narrow for a wheelchair or scooter to pass through, installing ramps, and removing unnecessary furniture in exam rooms and waiting rooms.

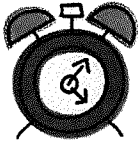


- **Change policies** such as making an exception to a “no dogs allowed” policy to allow a service animal to accompany someone with a visual impairment into an exam room.



- **Provide communication aids** such as a qualified sign language interpreter, video remote interpretation (VRI), or materials in alternative formats such as Braille or large print, in order to ensure **effective communication**. The type of communication aid you are entitled to will depend in part on the complexity of the information you are discussing and the length of the conversation.

**Note:** Doctors must provide effective communication to patients as well as to **companions**, such as friends and family members, or anyone else the doctor would normally communicate with about the patient’s health.



- **Take extra time** to simplify or repeat explanations for a person with a cognitive or intellectual disability or listen to someone with a speech impairment. Providers may also need to allow extra time to make the changes described above, such as enough time to communicate using an interpreter or to safely position someone for a test or exam.









**Reminder:** Tell your health care provider about your need for reasonable accommodations, ideally **before** your appointment, so they can properly prepare for your visit.

### ► How Do I Enforce My Rights?


If you feel a medical provider is discriminating against you, you can take action to enforce your rights. You could first try to resolve the problem by speaking directly with your doctor, or administrators at the hospital or clinic. If that does not work, you can make a formal complaint, as described below.


Note that the law protects you from **retaliation**, too; in other words, the place you are complaining about cannot do anything to “get back” at you just because you complained.

1. **ADMINISTRATIVE COMPLAINT:** The following local, state, and federal administrative agencies accept complaints related to disability discrimination in health care (and other contexts): the New York City Commission on Human Rights, the New York State Division of Human Rights, the federal Office of Civil Rights within the Department of Health and Human Services, and the United States Department of Justice. Below is a brief overview of each agency’s process. Please contact the agencies directly for more information. In most cases, you cannot file a complaint with more than one agency about the same matter. You do not need a lawyer to file a complaint.

<p><b>NYC Commission on Human Rights (NYCCHR) &amp; NY State Division of Human Rights (NYSDHR)</b></p> <p>Investigate complaints of violations of the city and state human rights laws. Most healthcare providers are covered by these laws.</p>	<p> <b>Time Limit:</b> You have one (1) year from the date of the discrimination to file a complaint.</p> <p> <b>Process/Outcome:</b> The agency will investigate the claim. If there is evidence of discrimination, the agency may try to settle the matter. If it does not settle, the agency may hold an informal hearing with an administrative law judge. If the judge finds that you were discriminated against, the agency may tell the facility to remove barriers or provide other reasonable accommodations. You might also receive money if the judge finds that you suffered emotional or other harm.</p>
<p><b>Department of Health and Human Services: Office of Civil Rights (OCR)</b></p> <p>Handles discrimination complaints against healthcare facilities that receive federal funding such as Medicaid and Medicare.</p>	<p> <b>Time Limit:</b> Generally, you must file the complaint within 180 days from the date of discrimination. OCR may extend the 180-day period if you can show "good cause."</p> <p> <b>Process/Outcome:</b> OCR will investigate your claim. If it finds that discrimination did occur, then it may try to settle the matter. If it does not settle, OCR may make an official finding that the facility is breaking the law. OCR can only order the facility to remove barriers or provide other reasonable accommodations; OCR will <u>not</u> order the facility to pay you money to compensate you for the harm you have suffered as a result of discrimination.</p>
<p><b>The United States Department of Justice (DOJ)</b></p> <p>Takes complaints of disability discrimination under federal laws against city, state, or federally-run healthcare facilities or privately-run healthcare facilities such as a private doctor's office.</p> <p>The DOJ may forward your complaint to OCR (see above).</p>	<p> <b>Time Limit:</b> There is NO time limit for complaints against private facilities. Complaints against government-run facilities must be filed within 180 days from when the discrimination happened.</p> <p> <b>Process/Outcome:</b> The DOJ will investigate your claim. Generally, the DOJ focuses on claims that raise a pattern of discrimination or important public issue, for example, if the facility serves many people. If the DOJ takes action, it may negotiate a settlement or bring a lawsuit. DOJ may tell the facility to remove barriers or provide other reasonable accommodations. You might also receive money if the DOJ finds you suffered emotional or other harm.</p>

2. **LAWSUIT:** You may file a lawsuit against the hospital, clinic, or doctor's office in state or federal court. Lawsuits are generally more complex than administrative complaints so you will likely want to hire a lawyer to help you if you plan to file a lawsuit.

 **Time Limit:** Under most laws related to disability discrimination, you have up to three (3) years after being discriminated against to file your lawsuit.

 **Process/Outcome:** Each of these laws permits a court to issue an order telling a facility to remove barriers or provide other reasonable accommodations. Some, but not all, laws also allow you to ask for money to compensate you for the harm you have suffered as a result of discrimination.

**► Questions?**

**Call New York Lawyers for the Public Interest  
(NYLPI)**

151 West 30th Street, 11th Floor  
New York, NY 10001

Voice: 212-244-4664  
TTY: 212-244-3692  
E-mail: [djintake@nylpi.org](mailto:djintake@nylpi.org)



Our **disability intake line** is open on the following dates and times:

Monday and Friday: 9:30 am –1:30 pm

Wednesday: 1:30 pm –5:30 pm

We will provide reasonable accommodations, including interpreters, as needed or requested. NYLPI does not consider immigration status when deciding whether to help you.

**► Further Resources**

**NYC Commission on Human Rights**

40 Rector Street  
New York, NY 10006  
Voice: (212) 306-7450  
TTY: (212) 306-7686  
[www.nyc.gov/cchr](http://www.nyc.gov/cchr)

**Office of Civil Rights,**

**U.S. Department of Health and Human  
Services, Regional Office**

Jacob Javits Federal Building  
26 Federal Plaza, Suite 3312  
New York, NY 10278  
Voice: (212) 264-3313  
TDD: (212) 264-2355  
<http://www.hhs.gov/ocr/office/index.html>

**NY State Division of Human Rights**

Administrative Offices  
One Fordham Plaza, 4<sup>th</sup> Floor  
Bronx, NY 10458  
Voice: (718) 741-8400  
TTY: (718) 741-8300  
[www.dhr.state.ny.us](http://www.dhr.state.ny.us)

**United States Access Board**

1331 F Street, NW, Suite 1000  
Washington, DC 20004-1111  
Voice: (202) 272-0080 / (800) 872-2253  
TTY: (202) 272-0082 / (800) 993-2822  
<http://www.access-board.gov/>

**U.S. Department of Justice**

Civil Rights Division  
950 Pennsylvania Avenue, NW  
Disability Rights - NYAV  
Washington, DC 20530  
Voice: (800) 514-0301  
TTY: (800) 514-0383  
[www.ada.gov](http://www.ada.gov)

**Manhattan DD Council Meeting  
September 11, 2014**

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Betty Schultz	UCP of NYC	(347) 675-2085	bettyhschultz@gmail.com
IRENE HAYNES	FEGS	(212) 366-8233	ihaynes@fegs.org
Tricia Shimamura	Congresswoman Carolyn Maloney	(212) 860-0606	tricia.shimamura@mail.house.gov
Jim Malley	ESPERANZA	212-928-5810	jmalley@esperancecenter.com
Paola Martinez Boone	NULPI	212 244-4664	pmartinez-boone@nylpi.org
Michael Haas	Parent	(212) 595-0046	mike066@rcn.com
Elizabeth Cambra	OPWDD	718 217-5894	Elizabeth.Cambra@opwdd.ny.gov
Donna Limiti	OPWDD	718 642-6112	Donna.Limiti@opwdd.ny.gov
Ellen Bleckman	OPWDD	646-766-3247	Ellen.Bleckman@opwdd.ny.gov
Carol Lincoln	UCP of NYC	718-859-5420 x225	clnolinc@ucpnyc.org
Irina Tuchina	FEGS	212-366-8070	ituchina@fegs.org
Michelle Israel	YAI	(212) 273-6100 x 2556	Michelle.Israel@yai.org

Cliff Datys ACS-NYC (212) 341-8902 cliff.datys@ACS.NYC.GOV  
 this is new email

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September 11, 2014**

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Mippale Berman	URI-UCOO	718-342-2121	mberman@urinyc.org
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Kathleen Dunbar	ICL	917-816-0115	Kdunbar@ICLinc.net
Susan Williams	Parent MMFO	212.570.6860	manhattanmothers@aol.com
Catherine Labarre	CATHERINE LABARRE PARENT	212-876-0145	TGLLAB@aol.com
Yolanda Dilkauf	NYC Children's Services	(212) 412-2581	Yolanda.dilkauf@nyc.gov
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