

Americans with Disabilities Act compliance

The *Americans with Disabilities Act (ADA)* ensures that individuals with disabilities have the same rights and opportunities as everyone else, and all providers with HealthKeepers, Inc. seeing Anthem HealthKeepers Plus and Anthem HealthKeepers Plus, Commonwealth Coordinated Care Plus (Anthem CCC Plus) members must provide those with disabilities full and equal access to medical services.

Below you will find *ADA* information as well as guidance on how to make changes to your practice and office procedures in order to ensure compliance.

Access

- Providers should comply with all applicable federal and state laws in assuring members with disabilities have access to all services.
 - Accessibility includes physical accessibility of service sites as well as medical and diagnostic equipment.
- Use of service animals (defined as dogs) must be permitted for an individual with a disability unless the animal is out of control or is not housebroken.
 - The only permissible inquiries are: whether the animal is required due to a disability and what work or task the animal has been trained to perform.
 - Asking for proof of certification, licensing, etc. for a service animal is not permitted.
 - Updated regulations now include a provision to permit miniature horses to be used if it has been individually trained to do work or perform tasks for the benefit of the individual with the disability.

Accommodations including auxiliary aids and communication tools

- Providers should assure that physical, communication and programmatic barriers do not hinder individuals with disabilities from obtaining any covered service.
- Providers should maintain the capacity to deliver services in a manner that accommodates member needs by:
 - Providing flexibility in scheduling.
 - Having interpreters/translators available for those who are deaf-, visual- or hearing-impaired or requesting interpreter services from HealthKeepers, Inc. when they do not have services already available in their offices.
 - Ensuring that individuals with disabilities are provided with reasonable accommodations to ensure effective communication including auxiliary aids and services; this also includes the member's companion if they have disabilities.
- Note, reasonable accommodations depend on the particular needs of the individual and include:
 - Ensuring safe and appropriate physical and communication access to buildings and services.

The information in this bulletin may be an update or change to your provider manual. Find the most current manual at:

<https://mediproviders.anthem.com/va>

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- Allowing extra time for members to dress/undress and transfer to exam tables as well as extra time with the practitioner in order to ensure the individual is fully participating and understands the information.
- It is best to consult with the member to determine the type of auxiliary aid that is needed to ensure effective communication. Note, providers have the ultimate decision for what measures to take provided the method chosen results in effective communication.

Linguistic services

- Providers should be responsive to the linguistic, cultural and other unique needs of members with disabilities as well as other special populations served; this includes the capacity to communicate with members in languages other than English when necessary as well as the capacity to communicate with members who are deaf, hard of hearing or blind.
 - A minor may not be relied upon to facilitate communication with a patient.
 - Patients with disabilities must not be required to bring another person to interpret.
 - An adult accompanying an individual with a disability may not be relied upon except in an emergency or if the patient requests and the accompanying adult agrees to assist with the communication and it is appropriate under the circumstances.
- A member with a disability cannot be charged for the use of an interpreter or other auxiliary aids/services needed for effective communications nor for the costs of barrier removal and reasonable modifications in policies, practices and procedures.
- Providers must adhere to the following:
 - Provide flexibility in scheduling to accommodate the needs of members.
 - Assist members with skilled medical interpreters and resources.
 - Request interpreters/translators for those who are deaf, visually impaired or hearing-impaired when these services are not available in office.
 - To request interpreter services from HealthKeepers, Inc., Anthem HealthKeepers Plus providers and members should call **1-800-901-0020** and Anthem CCC Plus providers and members should call **1-855-323-4687**.
 - Be responsive to the unique linguistic, cultural, ethnic, racial, religious, age, gender or other unique needs of members including members who are homeless or disabled (both congenital and acquired disabilities) as well as other special populations.
 - Have an understanding of disability-competent care.
 - Allow extra time for members to dress/undress and transfer to exam tables as well as extra time with the practitioner in order to ensure the individual is fully participating and understands the information.

Transportation

- All provider vehicles should comply with *ADA* specifications, including:
 - Having functioning, clean and accessible seat belts for each passenger.
 - Utilizing child safety seats when transporting children under the age of 8.
 - Making vehicles available for members who have special needs when needed.
- Individuals with mobility disabilities must be permitted to use manual and power-driven mobility devices in areas open to pedestrian use.

- Modifications to policies, practices and procedures must be made to allow the use of power-driven mobility devices unless these devices cannot be operated in accordance with legitimate safety requirements.
- To determine whether a device should be allowed, a number of factors must be considered, including the size and speed of the device, volume of facility pedestrian traffic and the facility design, whether legitimate safety requirements can be established, and the risk of serious harm to the immediate environment.
- It is not permissible to ask an individual with a device about the nature and extent of his or her disability.
- It is allowable to ask for credible assurance the mobility device is needed due to a disability. Verbal assurance is sufficient if it is not contradicted by your observation.
- Note, under the *ADA*, the definition of a power-driven mobility device is broad enough to include golf carts and Segways.

Training resources

To provide the best care for patients with disabilities and to ensure *ADA* compliance, ongoing training for your staff is essential. From first contact with patients, your staff should be knowledgeable about **not** refusing service, providing separate or unequal access to health care services, or giving the appearance of discriminating against a person. To avoid injuries and provide proper safety, your staff should be trained in proper transfer techniques for patients with mobility disabilities. They must ensure effective communications with those who are deaf, hearing-impaired, visually impaired or have other disabilities. Also, all staff must be instructed about keeping public areas accessible to all patients and maintaining clear routes to exam rooms, restrooms, etc. Your staff should be involved in modifying policies and procedures to support equal access for individuals with disabilities. Additionally, all staff training should be documented and provided at least at the time of initial orientation, annually and when needed to update with new information and material.

We offer additional training resources for you and your staff as listed below:

- *Americans with Disabilities Act Provider Training*: insert web navigation to AVAPEC-1472-17 ADA Compliance Training
- *Cultural Competency Toolkit*: <https://mediproviders.anthem.com/va> > Provider Education > Manuals, Directories, Training & More > Anthem HealthKeepers Plus Directories, Training, & Resources > Cultural Competency Toolkit
- *Cultural Competency Training for Health Care Providers*: <https://mediproviders.anthem.com/va> > Provider Education > Manuals, Directories, Training & More > Anthem HealthKeepers Plus Directories, Training, & Resources > Cultural Competency Training

For additional information on the *ADA*, visit <https://www.ada.gov> or reference the *Access to Medical Care for Individuals with Mobility Disabilities* handbook (<https://www.ada.gov> > Featured Topics > Access to Medical Care for Individuals with Mobility Disabilities).