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ROBBINS, SALOMON & PATT, LTD.
Attorneys at Law

Accessible Healthcare for Persons with Mobility Disabilities

A Special Webinar Presentation for the Statewide
Independent Living Council of Illinois
September 24, 2018

Andrés J. Gallegos, Esq.

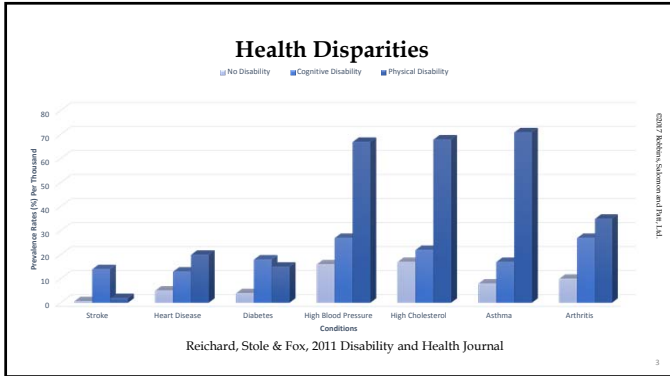
About the Presenter

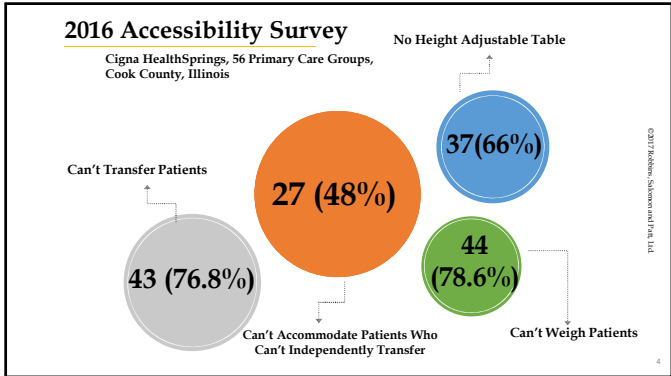
Andrés J. Gallegos is a disability rights attorney with the law firm of Robbins, Salomon & Patt, Ltd. in Chicago where he leads the law firm's national disability rights practice. He is the recipient of American Association of People with Disabilities' 2015 Paul G. Hearne Leadership Award, is a past two-term member of the Statewide Independent Living Council of Illinois, and is currently the Chairman of the Board of Directors of Access Living of Metropolitan Chicago, Chicago's Center for Independent Living.

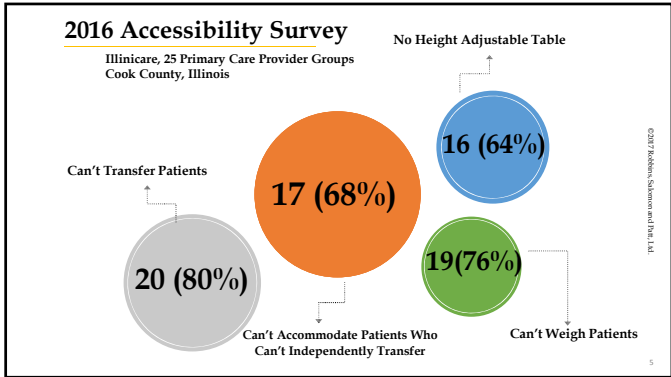
Andrés is a person with a disability and has been living with the effects of a spinal cord injury, resulting in quadriplegia, for the past 20 years.

Andrés is a frequent speaker on accessible healthcare, speaking on the topic before national audiences, and has authored numerous articles in national professional journals on the subject.

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Let's Talk

- Barriers to Healthcare
- Patients' Legal Rights
- Acting **B-A-D**: A 3-Phase Patient Advocacy Strategy
- Questions & Answers

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Barriers to Healthcare

**Barriers Affecting
Persons with
Mobility
Disabilities**

- Attitudinal Barriers
- Transportation Barriers
- Programmatic Barriers
- Policy Barriers
- Physical Barriers

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Policy Barriers

- Not scheduling enough time for appointments
- Not scheduling appointments in accessible facilities or examination rooms
- Purchasing inaccessible equipment & furniture
- Not adopting accessibility policies
- Not providing guidance or training on the nondiscrimination mandates
- Not providing disability culturally competent training


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**Physical Barriers:
Entrances**



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**Physical Barriers:
Changing Rooms**

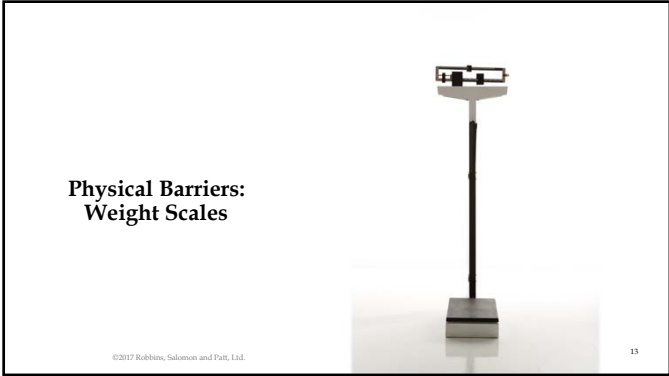


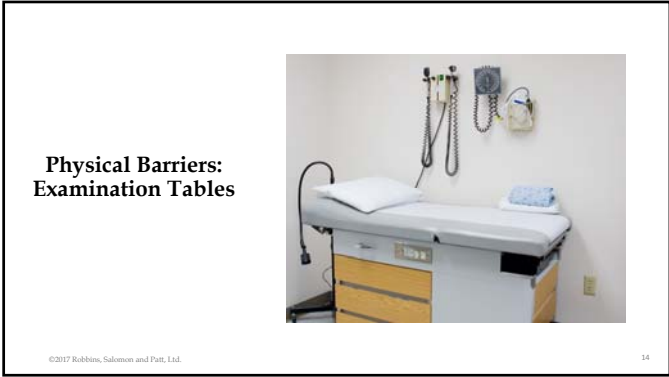
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**Physical Barriers:
Examination Rooms**



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Patients' Legal Rights


Patients' Legal Rights



- The Laws:
 - Section 1557, Affordable Care Act
 - Americans with Disabilities Act
 - Section 504, Rehabilitation Act of 1973
 - Safe Patient Handling Law

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Patient's Legal Rights



- Equal Opportunity to Benefit & Participate
- Barrier Free Healthcare:
 - Architectural Barriers Removal
 - Accessible Equipment & Furniture
 - Additional Time
 - Reasonable Assistance
 - Service Animals

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Safe Patient Handling



- In Illinois, Applies to Hospitals & Nursing Homes Only
- Requires:
 - Safe Patient Lifting Team
 - Array of Different Lift & Transfer Equipment
 - Patient's Right to Choose
 - Mobility Assessment Plan

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Service Animals





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Acting **B-A-D: A 3-Phase Patient Advocacy Strategy**


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Problem vs. Complaint



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Acting **B-A-D: A Patient Advocacy Strategy**



- 3-Phase Approach:
 - **B**efore the Appointment
 - **A**fter the Appointment
 - **D**uring the Appointment

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Acting **B-A-D: A Patient Advocacy Strategy**




1st Phase
Before the Appointment

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Before the Appointment

1. Research the hospital's or doctor's office website. Search:

- ✓ Doctor
- ✓ Procedure
- ✓ Facility
- ✓ "ADA," "Disability"
- ✓ "Patient Rights"



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Before the Appointment



2. Know what specifically you'll need (e.g., lift equipment, accessible room, extra time, etc.).
3. Call and ask if they have what you'll need.
4. Make your appointment, tell them what you'll need.
5. 3-days before appointment, call and confirm they have what you asked for. If no...


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Before the Appointment



Your Choice...

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Before the Appointment

6. Request they include in your records...

- If you reschedule, the reason - what you requested wasn't available.
- If you keep the appointment - what you requested wasn't made available.

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Acting B-A-D: A Patient Advocacy Strategy



2nd Phase
During the Appointment

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During the Appointment



1. When you arrive, confirm they have what you requested. If no...

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During the Appointment



Your Choice...

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During the Appointment



2. Request they include in your records...

- If you keep appointment - what you requested wasn't made available.
- If you reschedule - insist they contact you and explain why you did not have the requested accommodation and that it will be there next time.


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During the Appointment

3. Provide feedback. Does the accommodation work or not? If it is not working, tell them right away. Insist upon what you need.

4. Avoid the temptation to enable.

5. Advocate, but foremost get what's needed.



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During the Appointment




6. Before you leave the office get contact information for:

- Person in charge of “patient’s complaints”
- “Section 504 Coordinator”
- “Civil Rights Coordinator”

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Acting B-A-D: A Patient Advocacy Strategy



3rd Phase
After the Appointment

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After the Appointment

1. If they did not provide you with what you requested, follow-up.
2. With Whom?
 - ❖ Doctor, Clinic, Hospital,
 - ❖ Civil Rights/Section 504 Coordinator
 - ❖ Managed Care Organization




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After the Appointment


3. In the letter:

- ✓ Tell them what happened and how it impacted you.
- ✓ Ask for an explanation.
- ✓ Request assurance next time will be different.
- ✓ Ask that they respond in writing within 2 weeks.



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After the Appointment



4. If they don't respond, or the response isn't adequate ... take action.

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Take Action

"If you don't exercise your rights, then you have no rights, regardless of what laws exist or what politicians may say."

Dr. Martin Luther King, Jr.

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Take Action



- Centers for Independent Living
- Protection & Advocacy Organization
- IL Deaf & Hard of Hearing Commission
- IL Human Rights Commission
- IL Attorney General
- U.S. Health & Human Services, Office of Civil Rights
- U.S. Department of Justice, Civil Rights Division Disability Rights Section

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Acting **B-A-D**: A Patient Advocacy Strategy Summary



- 3-Phase Approach:
 - **B**efore the Appointment
 - **A**fter the Appointment
 - **D**uring the Appointment

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Conclusion



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Contact Information

- Equip for Equality, 20 North Michigan Avenue, Suite 300, Chicago, IL 60602; (312) 341-0022; (800) 537-2632
- Illinois Human Rights Commission James R. Thompson Center, 100 W. Randolph Street, Suite 5-100, Chicago, Illinois 60601, (312) 814-6269

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Contact Information

- Illinois Attorney General, Disability Rights Bureau, Office of the Attorney General, James R. Thompson Center, 11th floor, 100 W. Randolph Street, Chicago, IL 60601, (312) 814-5684
- Office for Civil Rights, U.S. Department of Health and Human Services, 233 N. Michigan Ave., Suite 240, Chicago, IL 60601; (800) 368-1019

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Contact Information

- US Department of Justice, 950 Pennsylvania Avenue, NW, Civil Rights Division, Disability Rights Section - 1425 NYAV, Washington, D.C. 20530; fax: (202) 307-1197; email: ADA.complaint@usdoj.gov; On-line Complaint Form: <http://www.ada.gov/complaint/>

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QUESTIONS?

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