

## COMMONSPIRIT HEALTH ADMINISTRATIVE POLICY

<b>SUBJECT:</b> Non-discrimination under the Americans with Disabilities Act (ADA)	<b>POLICY NUMBER:</b> Clinical A-021
<b>EFFECTIVE DATE:</b> October 9, 2023	<b>ORIGINAL EFFECTIVE DATE:</b> April 2, 2023

National/System Offices       Acute Care Facilities       Non-Acute Care Facilities

### PURPOSE

The purpose of this Policy is to confirm that no individual, including patients and visitors, shall be excluded or subjected to discrimination on the grounds of disability, race, color, national origin, age, sex, sexual orientation, gender identity, gender expression, or any other class protected by law when accessing, or obtaining the benefits of, any program or service offered by CommonSpirit Health.

### POLICY

- A. It is the policy of CommonSpirit to treat each individual as a unique person of incomparable worth, with the same right to adequate health care as all other persons (USCCB, 2018), and to provide to all persons full and equal access to CommonSpirit services and facilities.
- B. CommonSpirit shall:
1. Provide services and programs in the most integrated setting appropriate to the needs of the qualified individual with a disability;
  2. Make programs, services, activities, and facilities are accessible to all persons;
  3. Make reasonable modifications in its policies, practices, and procedures to avoid discrimination on the basis of disability, unless doing so would result in a fundamental alteration of the program, service, activity, or facility;
  4. Provide auxiliary aids to persons with disabilities, at no additional cost, where necessary to afford an equal opportunity to participate in or benefit from a program or activity;
  5. Designate a responsible employee to coordinate its efforts to comply with Section 504 and the Americans with Disabilities Act (ADA);
  6. Adopt grievance procedures to handle complaints of disability discrimination;
  7. Provide and post written notices that indicate:
    - a. That the covered entity does not discriminate on the basis of disability;
    - b. How to contact the individual who coordinates the covered entity's efforts to comply with the law; and

- c. Information about the grievance procedures.
8. Local administrative policies may expand on CommonSpirit System Administrative Policies on the same topic, but may not be less stringent than the System Administrative Policy.

### **AFFECTED AREAS OR DEPARTMENTS**

This Policy applies to CommonSpirit and its Direct Affiliates<sup>1</sup> and Subsidiaries<sup>2</sup>, as well as any other related entity whose governing documents expressly require or provide for such entity(ies) to comply with CommonSpirit's policies and procedures (Conforming Entity).

### **DEFINITIONS**

Individual with a Disability as defined by the Americans with Disabilities Act (ADA) is a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment (U.S. Department of Justice [USDoJ], 2020; U.S. Department of Health and Human Services [USHHS], 2015).

### **REFERENCES**

- Rosenbaum, S. (2007). The Americans with Disabilities Act in a health care context. In MJ Field & AM Jett, (Eds.). The Future of Disability in America. Washington, DC: National Academies Press.
- United States Conference of Catholic Bishops. (2018). Ethical and religious directives for Catholic health care services (6th ed.). Retrieved from <https://www.usccb.org/about/doctrine/ethical-and-religious-directives/upload/ethical-religious-directives-catholic-health-service-sixth-edition-2016-06.pdf>.
- United States Department of Justice. (2020, February 24). A guide to disability rights laws. Civil Rights Division. Retrieved from <https://www.ada.gov/cguide.htm>.
- United States Department of Justice. (2012, October 10). Revised ADA regulations: Implementing Title II and Title III. Civil Rights Division. Retrieved from <https://www.ada.gov/regs2010/ADAREgs2010.htm>.

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1 A Direct Affiliate is any corporation of which CommonSpirit Health is the sole corporate member or sole shareholder, as well as Dignity Community Care, a Colorado nonprofit corporation

2 A Subsidiary refers to either an organization, whether nonprofit or for-profit, in which a Direct Affiliate holds the power to appoint fifty percent (50%) or more of the voting members of the governing body of such organization or holds fifty percent (50%) or more of the voting rights in such organization (as evidenced by membership powers or securities conferring certain decision-making authority on the Direct Affiliate) or any organization in which a Subsidiary holds such power or voting rights

United States Department of Health and Human Services. (2015, November 19). Who is considered a person with a disability under Section 504 and the ADA? Retrieved from <https://www.hhs.gov/civil-rights/for-individuals/faqs/who-is-considered-a-person-with-a-disability-under-section-504-and-the-ada/605/index.html>.

United States Department of Health and Human Services. (2006). Fact sheet. Your rights under Section 504 of the Rehabilitation Act. Office of Civil Rights. Retrieved from <https://www.hhs.gov/sites/default/files/ocr/civilrights/resources/factsheets/504>.

U.S. Department of Health and Human Services. Office for Civil Rights. (n.d.). Civil rights for providers of health care and human services. Retrieved from <https://www.hhs.gov/civil-rights/for-providers/index.html>

U.S. Department of Health and Human Services. Office for Civil Rights. (n.d.). Filing a civil rights complaint. Retrieved from <https://www.hhs.gov/civil-rights/filing-a-complaint/index.html>

U.S. Department of Health and Human Services. Office for Civil Rights. (n.d.). Laws and regulations enforced by OCR. Retrieved from <https://www.hhs.gov/civil-rights/for-providers/laws-regulations-guidance/laws/index.html>

#### **STATUTORY/REGULATORY AUTHORITIES**

1. 29 U.S.C. §705 - Title 29. Chapter 16 (2011 edition)
2. Americans with Disabilities Act of 1990, 42 U.S.C. §12101-12213
3. Rehabilitation Act of 1973, Section 504, 29 U.S.C. § 701 et seq
4. Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794
5. Section 1557 of the Patient Protection and Affordable Care Act (ACA), 42 U.S.C. § 18116
6. United States Department of Justice, Civil Rights Division