

Access to Support For Patients With Disabilities

Purpose and Policy Overview: To outline the policy for ensuring access to support for patients with disabilities during a declared public health emergency in compliance with applicable U.S. Centers for Disease Control and Prevention (CDC) guidance and state and federal regulations. This policy sets forth a process for individuals with disabilities and their support persons to propose reasonable accommodations. This policy also explains standards for communications with families and caregivers of patients with disabilities who do not have a support person at the bedside.

Policy Interpretation and Implementation

Definitions:

The definition of disability is the Americans with Disabilities Act definition:

42 U.S.C. § 12102

As used in this chapter:

- (1) Disability - The term “disability” means, with respect to an individual—
 - (A) a physical or mental impairment that substantially limits one or more major life activities of such individual;
 - (B) a record of such an impairment; or
 - (C) being regarded as having such an impairment (as described in paragraph (3)).
- (2) Major life activities
 - (A) In general
For purposes of paragraph (1), major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.
 - (B) Major bodily functions
For purposes of paragraph (1), a major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.
- (3) Regarded as having such an impairment
For purposes of paragraph (1)(C):
 - (A) An individual meets the requirement of “being regarded as having such an impairment” if the individual establishes that he or she has been subjected to an action prohibited under this chapter because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.
 - (B) Paragraph (1)(C) shall not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.
- (4) Rules of construction regarding the definition of disability
The definition of “disability” in paragraph (1) shall be construed in accordance with the following:
 - (A) The definition of disability in this chapter shall be construed in favor of broad coverage of individuals under this chapter, to the maximum extent permitted by the terms of this chapter.

- (B) The term “substantially limits” shall be interpreted consistently with the findings and purposes of the ADA Amendments Act of 2008.
- (C) An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability.
- (D) An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.
- (E)
- (i) The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as—
 - (I) medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;
 - (II) use of assistive technology;
 - (III) reasonable accommodations or auxiliary aids or services; or
 - (IV) learned behavioral or adaptive neurological modifications.
 - (ii) The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.
 - (iii) As used in this subparagraph—
 - (I) the term “ordinary eyeglasses or contact lenses” means lenses that are intended to fully correct visual acuity or eliminate refractive error; and
 - (II) the term “low-vision devices” means devices that magnify, enhance, or otherwise augment a visual image.

Definition of a support person:

A support person may be a family member, personal care assistant, similar disability service provider, or other individual knowledgeable about the management or care of the patient who is authorized to assist the patient in making decisions.

Procedure:

- A copy of this policy and the Maryland Departments of Disability and Health Notice entitled “Notice-Support for Persons for Individuals with Disabilities (September 24, 2020)” will be provided to patients at the time of registration.
- A copy of the Maryland Departments of Disability and Health Notice, entitled “Notice-Access with Disabilities in Health Care Settings (September 24, 2020)” and “Notice -Support for Persons with Individuals with Disabilities (September 24, 2020)” will be posted in the hospital in an area accessible to all patients.
- Please see below for the following:
 - Northwest Hospital - The Department of Guest Services (Monday to Friday 9am to 4pm) or the Hospital Operations Coordinator (HOC) after hours will be the point of contact for this policy. Both are available by calling the Hospital’s main number 410-521-2200.
 - Northwest Subacute Unit - The Administrator of the Unit will be the point of contact for this policy and is available at 410-428-7921.

- Carroll Hospital – The Patient Relations Department (Monday to Friday 8am to 4:30pm) or the Shift Coordinator after hours will be the point of contact for this policy. Both are available by calling the Hospital’s main number 410-848-3000.
- Sinai Hospital – The Patient Experience Department (Monday to Friday 8:30am to 5pm) or the Hospital Operations Coordinator (HOC) after hours will be the point of contact for this policy. Both are available by calling the Hospital’s main number 410-601-9000.
- Grace Medical Center - The Patient Advocate (Monday to Friday 8:30am to 4:30pm) or after hours the Hospital Operations Coordinator (HOC), will be the points of contact for this policy. Both are available by calling the hospital’s main number at 410-362-3000.
- Levindale Hebrew Geriatric Center and Hospital -Service Excellence Department (Monday to Friday 9am to 5pm) or the Nursing Supervisor after hours will be the point of contact for this policy. Both are available by calling Levindale’s main number at 410-601-2400.
- This policy shall be in effect for all operating hours so that requests for support persons can be honored.
- Types of patients that a support person would be appropriate for in a health care facility setting include but are not limited to:
 - i. Patients with intellectual or developmental disabilities,
 - ii. Patients with physical disabilities or limitations,
 - iii. Patients with neurocognitive disorders
- A patient may designate up to two support persons during their stay, but only one may be present at any given time. Support persons must be 18 years of age or older.
- A patient may change who they want to be a support person(s) through coordination with the point of contact for this policy.
- When a support person cannot be present with the patient, the care team will facilitate regular communication with the support person of information and facilitate appropriate interpretation for the support persons when needed. These communications must comply with the Health Insurance Portability and Accountability Act (HIPAA) and other privacy laws, regulations and standards.
- Patients with disabilities, regardless of diagnosis or symptoms of COVID-19, are permitted to have access to support persons.
- In compliance with the hospital entrance screening policy, a support person is to enter and exit only authorized entryways/exits, is to be screened for COVID-19 symptoms upon initial entry to the hospital. Support person(s) with a diagnosis of active COVID-19, COVID-19 signs/symptoms, or recent close contact to someone with COVID-19 shall not be permitted to enter the hospital to serve as a support person. If possible, to mitigate risks, other methods to accomplish support such as virtual communication should be attempted. Patients are free to discuss other options that achieve this objective with the point of contact for this policy.
- Support person(s) are required to follow the appropriate infection control measures as indicated by the hospital. The hospital will provide the appropriate personal protective equipment (PPE) needed with instructions for donning and doffing and conservation of PPE. If required, PPE must be worn continuously and correctly.
- Support person(s) shall be provided access in the facility for restrooms, food, and drink.

References

- MDH Notice – Support Persons For Individuals With Disabilities (September 24, 2020)
- MDH- Access to Support for Patients with Disabilities in Health Care Settings - Frequently Asked Questions (FAQ) (September 24, 2020)
- MDH- NOTICE - Access to Support for Patients with Disabilities in Health Care Settings (September 24, 2020)

Version

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