



APHASIA PATIENTS



APHASIA may impair a patient's ability to *speak, read, write or understand* which can compromise their **safe access and understanding of their medical care. Patients with communication disabilities have a right to reasonable accommodations** under the ADA Section 35.160 and the Department of Justice rulings re: COVID-19, which includes a **patient's right for in-person support.**



I have a disability and I need assistance to make sure **I have equal access to health care.** Aphasia is a language disability that affects language skills, not my intellect.



I have aphasia. **I need support to help me communicate and understand medical information.** I need support to help me make decisions. Using the telephone or video calls are difficult for me and do not resolve my communication difficulty. I require assistance in person.



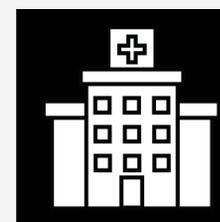
Under the Americans with Disabilities Act (ADA), the Rehabilitation Act – Section 504, and Section 1557 of the Patient Protection and Affordable Care Act (ACA): a supporter is a **reasonable accommodation due to my communication disability.** My support person can be a family member who is knowledgeable about my communication needs.



These rights have been reinforced by the Department of Justice and Office of Civil Rights during COVID-19. **Exceptions to the “no-visitor” policy must be made to accommodate my rights.**



My support person will follow all your precautions including wearing proper PPPE, will wash their hands, will stay away from people other than me.



If you have any questions, please contact your **hospital administration** regarding the Americans with Disabilities Act - Section 35.160 Communications.

**"If this request for reasonable accommodation is denied,
I request a written explanation for the denial."**



(a) public entity shall take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others....a family member, friend, or associate of an individual seeking access to a service, program, or activity of a public entity, who, along with the individual, is an appropriate person with whom the public entity should communicate.'

Americans with Disabilities Act – Section 35.160

Communications https://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.html

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Department of Health and Human Services – June 9, 2020

<https://www.hhs.gov/about/news/2020/06/09/ocr-resolves-complaints-after-state-connecticut-private-hospital-safeguard-rights-persons.html>

Complainants also alleged that Hartford Hospital, a 937-bed facility in the state, unlawfully failed to provide a reasonable modification to the hospital's no-visitor policy to a 73-year old patient with aphasia and severe short-term memory loss, who is mostly non-verbal, and was denied in-person access to support persons able to help with her communication and comprehension during care. ...As part of the resolution, Connecticut is issuing an executive order to ensure that people with disabilities have reasonable access to support personnel in hospital settings in a manner that is consistent with disability rights laws and the health and safety of patients, health care providers, and support persons. The order includes establishing a statewide policy requiring hospitals and other acute care settings to permit the entrance of a designated support person for a patient with a disability and permitting family members, service providers or other individuals knowledgeable about the needs of the person with a disability to serve as a designated support person. Where patients with a disability are in such a setting for longer than one day, they may designate two support persons, provided only one is present at a time.

Department of Justice – July 23, 2020

<https://www.justice.gov/opa/blog/furthering-promise-equal-access-health-care>

We are dedicated to the equal dignity of individuals with disabilities and will take action against anyone who violates federal law in dispensing healthcare in response to COVID-19. The Americans with Disabilities Act . . . protects the right of individuals with disabilities to have access to healthcare on the same basis as nondisabled people. Moreover, . . . strengthen the hospital's policies and procedures for ensuring that patients and family members or other companions who are deaf or have hearing loss can **effectively communicate with hospital staff**. This provision will help ensure that **individuals with disabilities receive auxiliary aids and services** – from written notes to qualified sign language interpreters – when needed to **communicate effectively**. Indeed, if auxiliary aids and services are not provided, people with disabilities **may not be able to understand, or share critical information with, health care providers**. (This case occurred in Connecticut, but the Office of Civil Rights asserts these rights apply to all states.)

Notes: