



TIPS TO HELP HEALTH CENTERS ADDRESS DISABILITY & CHRONIC DISEASE DISCRIMINATION

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National Center for Medical-Legal Partnership

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Health Outreach Partners

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This tip sheet was created to complement our joint 2022 Webinar Series, *The Unique Role of Medical-Legal Partnerships in Helping Health Centers Address Disability and Chronic Disease Discrimination*. Recordings and slides from this series available on the National Center for Medical-Legal Partnership ([medical-legalpartnership.org](https://www.medical-legalpartnership.org)) and Health Outreach Partners ([outreach-partners.org](https://www.outreach-partners.org)) websites.

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INTRODUCTION

In 2020, approximately 30 million¹ adults and children in medically underserved communities received comprehensive, primary and preventative health care and enabling services² from 1,462 HRSA Health Center Program awardees and look-alikes. According to research studies, this growing patient population has become increasingly complex with multiple chronic conditions³ and higher rates of social risk factors. In addition to ensuring that their patients with chronic conditions and disabilities are able to access care, health centers and look-alike programs are also well-positioned to help these patients prevent and address a very specific health-harming social risk factor: disability discrimination. Moreover, through medical-legal partnerships, health center staff can see the outcomes of their screenings and referrals of individual patients to civil legal services, utilize the input of their partners to enhance their care delivery models, and collaborate with disability advocates to address structural and systemic barriers faced by their patients with chronic conditions and disabilities.

This tip sheet is designed to complement a four-part webinar series, **THE UNIQUE ROLE OF MEDICAL-LEGAL PARTNERSHIPS IN HELPING HEALTH CENTERS ADDRESS DISABILITY & CHRONIC DISEASE DISCRIMINATION**, hosted by Health Outreach Partners and the National Center for Medical-Legal Partnership. The webinar series helped health centers and civil legal services providers better understand how they can help health center patients living with disabilities or chronic diseases address and redress discrimination faced at work or school, when accessing services or public places, or otherwise navigating daily life because of these conditions. The series also discussed how different groups of people have unique experiences with this discrimination—for example, migrant and seasonal agricultural workers and individuals with immigration status—and that such patients may have limited access to quality, informed legal services.

1. 2020 Uniform Data System. Bureau of Primary Health Care, HRSA, DHHS. Accessible at: <https://data.hrsa.gov/tools/data-reporting/program-data/national>

2. Enabling services include case management, referrals, such as to civil legal services, translation/interpretation, transportation, eligibility assistance, health education, environmental health risk reduction, health literacy, and outreach. See HRSA's Health Center Program Terms and Definitions, available at: <https://www.hrsa.gov/sites/default/files/grants/apply/assistance/Buckets/definitions.pdf>

3. Health Centers are Providing Care to Growing Numbers of Patients with Complex Needs. National Association of Community Health Centers, Fact Sheet (2019). Available at: http://www.nachc.org/wp-content/uploads/2019/05/Growth_in_Patients_with_Complex_Needs_5.30.19.pdf

This tip sheet provides advice as well as key resources to help staff of health centers and look-alike programs quickly improve their understanding of the important role they can play in helping to identify discrimination at its earliest stages and how to mitigate it by leveraging their own medical authority and resources within the community.

WHAT IS DISABILITY DISCRIMINATION?

A **DISABILITY** is defined as a physical or mental impairment that substantially limits one more major life activity, having a record of such an impairment, or being regarded as disabled.⁴ To be “regarded as” disabled, one must be subject to an adverse action because of an impairment or perceived impairment, whether or not it limits or is perceived to limit a major life activity. The exception to this is when the impairment is both transitory (lasting six months or less) and minor.

DISCRIMINATION is defined as the unfair or unfavorable treatment of a person because of a protected reason, such as being regarded as disabled.

WHAT CAN HEALTH CENTERS DO?

Health centers and other medical providers can play a key role in early identification and resolution of discrimination faced by their patients.

- **SERVING AS PATIENT ADVOCATES**, the health center helps patients navigate the various social determinants of health that can be the root cause of – or exacerbate – health conditions.
- **ALL HEALTH CENTER STAFF PLAY A ROLE**, from enabling services staff to community health workers, educators, and providers.
- **MANY TOUCHPOINTS TO IDENTIFY DISCRIMINATION**. Be on the lookout for clues about possible discrimination during outreach, enrollment, and registration; when patients meet with social workers and community health workers; when patients are seen by clinicians and other providers; and when case managers conduct file review.
- **LISTEN TO WHAT PATIENTS SAY AND DO NOT SAY**. Remember it is not unusual for patients to be unaware discrimination is occurring. Engage in active listening and behavioral interviewing.

4. Americans with Disabilities Act, 42 U.S.C. § 12102.

TIPS

HELPING PATIENTS NAVIGATE EMPLOYMENT

- Your patient's ability to keep a job and income may depend on getting a reasonable accommodation. **You play an important role!**
- Employers may request medical information even if the patient did not ask you to write a letter in support. Be prepared to help your patient. It will take very little of your time.
- It is important to respond promptly and provide information that is helpful and accurate.
- All medical information you provide must be kept confidential by the employer.

TIPS

- Provide medical support for an accommodation request or assessment by writing a letter that:
 - States your professional qualifications,
 - States the nature of your relationship with the patient,
 - States the patient's diagnosis and the impact on them, and
 - Provides an explanation of how the patient's condition (even with treatment) requires changes at work.
- Limit your letter to the specific problems that may be helped with an accommodation
- **Do not provide medical records** unless the patient specifically requests it
- Discourage requests for unreasonable accommodations

WHAT TO KNOW ABOUT ANTI-DISCRIMINATION RIGHTS & IMMIGRATION STATUS

- Anti-discrimination laws apply equally to non-citizens
- Due process protections are more limited
- Patients may need to consider the risk of retaliation before taking legal action
- HRSA Federally Qualified Health Centers do not discriminate based on immigration status



HELPING PATIENTS & FAMILIES NAVIGATE SCHOOL, CHILD CARE & COLLEGE

SCREEN FOR POSSIBLE DISCRIMINATION

- Are there adults available to administer medication or help manage their condition?
- Can they fully and safely participate in all activities?
- Have they been denied enrollment or told no changes are possible that would allow them to attend?
- Are they being provided the accommodations they need, either informally or in a written plan?

EDUCATE YOUR PATIENTS ABOUT THEIR LEGAL RIGHTS

- You do not need to be a lawyer to share *general* information and resources!

PROVIDE ACTIVE SUPPORT

- Complete medical care plans, school forms, and write letters of support

COVID-19 & LONG COVID AS DISABILITIES

- Must meet the same definition of disability as other conditions to be afforded legal protection: a physical or mental impairment that substantially limits one or more major life activity
 - Whether COVID-19 is a disability will be fact-specific and individualized
 - Federal government guidance states Long COVID is a physiological condition affecting one or more body systems that can substantially limit a major life activity
 - COVID-19 and Long COVID are not automatic disabilities – requires individualized assessment
- People with heightened medical vulnerability/high risk of complications or death as a result of a COVID-19 infection because of an underlying condition have a disability
- CDC risk factors are broader and may not provide sufficient basis for Americans with Disabilities Act disability for some high risk people. Age, pregnancy, and obesity are not typically disabilities.

**YOU DO NOT NEED TO BE A LAWYER
TO SHARE GENERAL INFORMATION
AND RESOURCES**

RESOURCES

SCREENING FOR DISABILITY DISCRIMINATION & THE HEALTH CENTER'S ROLE

SCREENING TOOLS

- Disability Discrimination in Adults (page 8)
- Disability Discrimination in Children and Young Adults (page 9)

SAMPLE EMPLOYMENT LETTERS

- American Diabetes Association, Sample Letter Supporting a Request for Accommodation
<http://main.diabetes.org/dorg/PDFs/Advocacy/Discrimination/sample-doctor-letter-from-practical-diabetology.pdf>
- Disability Rights Texas, Sample Documentation for Workplace Accommodations
www.disabilityrightstx.org/SampleMedicalLetter

INSTRUCTIONAL VIDEO – EMPLOYMENT

- Disability Rights Texas, Medical Documentation for Accommodation Requests
www.disabilityrightstx.org/en/video/medical-documentation-for-accommodation-requests/

SAMPLE SCHOOL PLANS

- American Diabetes Association, Sample Diabetes Medical Management Plans
www.diabetes.org/DMMP
- Epilepsy Foundation, School Seizure Action Plan:
www.epilepsy.com/preparedness-safety/action-plans
- Colorado Department of Education, Asthma Care Plan and Medication Order for School and Child Care Settings
www.cde.state.co.us/healthandwellness/coloradoasthmacareplan
- Colorado Department of Education, Allergy and Anaphylaxis Emergency Care Plan and Medication Orders
www.cde.state.co.us/healthandwellness/standardanaphylaxisplan2016

COMMUNITY LEGAL RESOURCES

DISABILITY RIGHTS LEGAL SERVICES

- National Disability Rights Network – Locate your state Protection & Advocacy organization
<https://www.ndrn.org/>

GENERAL LEGAL SERVICES

- Legal Services Corporation-funded civil legal services organizations
<https://www.lsc.gov/about-lsc/what-legal-aid/get-legal-help>

IMMIGRATION LEGAL SERVICES

- Immigration Advocates Network – immigration legal services directory
<https://www.immigrationadvocates.org/legaldirectory/>

MEDICAL-LEGAL PARTNERSHIP RESOURCES

TOOLKITS & GUIDES

- National Center for Medical-Legal Partnership Toolkit: A planning, implementation, and practice guide for building and sustaining a health center-based MLP
<https://medical-legalpartnership.org/wp-content/uploads/2020/10/Health-Center-MLP-Toolkit-FINAL.pdf>
- Health Outreach Partners: Medical-Legal Partnership Resource Guide for Farmworker-Serving Health Centers and Legal Services Organizations
<https://outreach-partners.org/2014/03/01/medical-legal-partnership-resource-guide-for-farmworker-serving-health-centers-and-legal-services-organizations/>

BRIEFS & STUDIES

- National Center for Medical-Legal Partnerships Issue Brief: "Socially Vulnerable Older Adults & Medical-Legal Partnership"
<https://medical-legalpartnership.org/wp-content/uploads/2019/03/Socially-Vulnerable-Older-Adults-and-MLP.pdf>
- Kendrick Allwood Salathiel, Susan Mc Laren, and Robert Pettignano. 2021. "Medical-Legal Partnerships Benefit Families of Developmentally Disabled Children." *The International Journal of Health, Wellness, and Society* 11 (1): 85-96. doi:10.18848/2156-8960/CGP/v11i01/85-96
<https://cgscholar.com/bookstore/works/medicallegal-partnerships-benefit-families-of-developmentally-disabled-children>
- Andrew F. Beck, Adrienne W. Henize, TingTing Qiu, Bin Huang, Yin Zhang, Melissa D. Klein, Donita Parrish, Elaine E. Fink, and Robert S. Kahn. 2022. "'Reductions in Hospitalizations Among Children Referred To A Primary Care-Based Medical-Legal Partnership.'" *Health Affairs* 41 (3).
<https://www.healthaffairs.org/doi/10.1377/hlthaff.2021.00905>

EMPLOYMENT RESOURCES

- U.S. Equal Employment Opportunity Commission, Disability Discrimination
<https://www.eeoc.gov/disability-discrimination>
- Workplace Accommodations – the Job Accommodation Network
<https://askjan.org/>

EDUCATION RESOURCES**K-12 SCHOOLS**

- U.S. Department of Education Announces Intent to Strengthen and Protect Rights for Students with Disabilities by Amending Regulations Implementing Section 504
<https://www.ed.gov/news/press-releases/us-department-education-announces-intent-strengthen-and-protect-rights-students-disabilities-amending-regulations-implementing-section-504>

<https://www2.ed.gov/policy/rights/reg/ocr/index.html>

<https://www2.ed.gov/policy/rights/reg/ocr/index.html>

- U.S. Department of Education, Office for Civil Rights, Case Processing Manual (August 2020)
<https://www2.ed.gov/about/offices/list/ocr/docs/ocrspm.pdf>

COLLEGES & UNIVERSITIES

- American Diabetes Association, "Going to College with Diabetes."
<http://main.diabetes.org/dorg/PDFs/Advocacy/Discrimination/going-to-college-with-diabetes.pdf>
- College Diabetes Network
<https://collegediabetesnetwork.org/>

IMMIGRATION RESOURCES

- Catholic Legal Immigration Network, Inc. Practice Advisory: Representing Noncitizens with Mental Illness (May 2020)
<https://cliniclegal.org/file-download/download/public/3756>
- Office for Civil Rights and Civil Liberties, U.S. Department of Homeland Security
<https://www.dhs.gov/office-civil-rights-and-civil-liberties>
- The Office of the Immigration Detention Ombudsman, U.S. Department of Homeland Security
<https://www.dhs.gov/office-immigration-detention-ombudsman>

COVID-19 & LONG COVID RESOURCES

- U.S. Department of Justice & U.S. Department of Health and Human Services, Joint Guidance on

“Long COVID” as a Disability Under the ADA, Section 504, and Section 1557 (July 2021)

https://www.ada.gov/long_covid_joint_guidance.pdf

<https://www.hhs.gov/civil-rights/for-providers/civil-rights-covid19/guidance-long-covid-disability/index.html>

COVID-19 & EDUCATION

- U.S. Department of Education, Disability Rights & COVID-19 Resource Page
<https://www.ed.gov/coronavirus/factsheets/disability-rights>
- U.S. Department of Education, Letter to Educators and Parents Regarding New CDC Recommendations and their Impact on Children with Disabilities (March 2022)
<https://www2.ed.gov/documents/coronavirus/letter-to-educators-and-parents-regarding-new-cdc-recommendations-03-24-2022.pdf>
- U.S. Department of Education, Fact Sheet: Providing Students with Disabilities Free Appropriate Public Education During the COVID-19 Pandemic and Addressing the Need for Compensatory Services Under Section 504 (February 2022)
<https://www2.ed.gov/about/offices/list/ocr/docs/fape-in-covid-19.pdf>
- U.S. Department of Education, Supporting and Protecting the Rights of Students at Risk of Self-Harm in the Era of COVID-19 (October 2021)
<https://www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-students-self-harm-covid-19.pdf>
- U.S. Department of Education, Long COVID Under Section 504 and the IDEA: A Resource to Support Children, Students, Educators, Schools, Service Providers, and Families (July 2021)
<https://www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-504-20210726.pdf>

COVID-19 & EMPLOYMENT

- U.S. Equal Employment Opportunity Commission, What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws

<https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>

- U.S. Department of Labor Blog, Workers With Long COVID-19: You May Be Entitled to Workplace Accommodations
<https://blog.dol.gov/2021/07/06/workers-with-long-covid-19-may-be-entitled-to-accommodations>

MEDICAL/CLINICAL/RESEARCH

- Long COVID and Fatiguing Illness Recovery Program (Family Health Centers of San Diego, the ECHO Institute, University of Washington and University of Colorado)
<https://hsc.unm.edu/echo/partner-portal/echos-initiatives/long-covid-fatiguing-illness-recovery/>
- FAIR Health, Inc., White Paper: Patients Diagnosed with Post-COVID Conditions, An Analysis of Private Healthcare Claims Using the Official ICD-10 Diagnostic Code (May 18, 2022)
<https://www.fairhealth.org/publications/whitepapers>
<https://s3.amazonaws.com/media2.fairhealth.org/whitepaper/asset/Patients%20Diagnosed%20with%20Post-COVID%20Conditions%20-%20A%20FAIR%20Health%20White%20Paper.pdf>
- The American Academy of Physical Medicine and Rehabilitation (AAPM&R) Post-Acute Sequelae of SARS-CoV-2 infection Dashboard (PASC Dashboard)
<https://pascdashboard.aapmr.org/>
- U.S. Government Accountability Office, Science & Tech Spotlight: Long COVID
<https://www.gao.gov/products/gao-22-105666>
- Bateman Horne Center – Patient Resources on Myalgic Encephalomyelitis/Chronic Fatigue Syndrome (ME/CFS)
<https://batemanhornecenter.org/outreach/patients/>



DISABILITY DISCRIMINATION SCREENING TOOL (ADULT)

EXPLORE ANY YES RESPONSES

Has the patient experienced any of the following at work or while trying to get a job?

- | | |
|---|----------|
| Unable to take time at work to manage their condition | YES / NO |
| Not permitted to have disease management tools/medications nearby or to use them freely while working | YES / NO |
| Unable to take time off work when sick or seeking treatment for their condition | YES / NO |
| Deemed a safety risk because of their condition or fears about their condition when active | YES / NO |
| Told their condition is not a disability and they are not eligible for any accommodations | YES / NO |
| Unable to obtain any licenses or certifications required for the job | YES / NO |

Has the patient experienced any of the following accessing places, programs, or services?

- | | |
|---|----------|
| Told they cannot participate because of their condition | YES / NO |
| Unable to safely participate due to rules about how the program or service is run | YES / NO |
| Denied changes to the way the program or service is run | YES / NO |
| Not permitted to have disease management tools/medications nearby while participating | YES / NO |





DISABILITY DISCRIMINATION SCREENING TOOL (CHILD & YOUNG ADULT)

EXPLORE ANY YES RESPONSES

Has the patient experienced any of the following at school?

- | | |
|--|----------|
| No one to administer medication or help manage their condition | YES / NO |
| Not permitted to attend field trips without parent/guardian | YES / NO |
| Not permitted to participate in extracurricular activities | YES / NO |
| Not allowed to keep disease management tools/medications nearby or to self-treat their condition if able | YES / NO |
| Denied an evaluation or development of a section 504 plan/ Individualized Education Program (IEP) | YES / NO |
| Denied services needed to access an education | YES / NO |

Has the patient experienced any of the following in or trying to access a childcare program?

- | | |
|---|----------|
| Told they cannot enroll because of their condition | YES / NO |
| No one to administer medication or help manage their condition | YES / NO |
| Unable to safely participate due to rules about how the program is run or denied changes needed to access the program | YES / NO |

Has the patient experienced any of the following at a college, university, or graduate program?

- | | |
|--|----------|
| Denied participation in activities because of their condition or fears about their condition | YES / NO |
| Denied academic or other accommodations needed to safely attend and fully access the program | YES / NO |
| Treated poorly, bullied, or stigmatized by teachers or staff because of their condition | YES / NO |



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