



Vaccine Sites that are Accessible to People with Disabilities

How to Meet Your Legal Obligations

www.disasterstrategies.org

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Welcome & About Us

Ground Rules

- Confidentiality
- Ask questions
- Have fun!!



Disclaimer

Material presented does not constitute legal advice and is for informational purposes only. If you are seeking legal advice, please contact a qualified attorney.



Some Disability Civil Rights Laws that Apply to Vaccine Sites

Americans with Disabilities Act (“ADA”) 42 U.S. Code § 12102 et seq.

Rehabilitation Act (“Rehab Act”) 29 U.S.C. § 701 et seq.



Definition of Disability

Individuals with a physical or mental impairment that substantially limits one or more major life activities;

Individuals with a record of having such impairment;

Individuals with a record of such impairment



Five Titles of the ADA

Title I: Employment

Title II: State and Local Government Entities

Title III: Places of Public Accommodation

Title IV: Telecommunications

Title V: Miscellaneous



Who has Obligations Under the ADA?

State, county, municipalities have obligations under Titles I and II.

Private providers under have obligations Title I and III.

Today, we will be discussing obligations under Titles II and III.



Rehabilitation Act

Any recipient or subrecipient of federal funds has obligations under the Rehab Act.

These obligations are virtually identical to obligations under Title II of the ADA.



Government Entity Retains Obligations Under the ADA and Rehab Act

A government entity cannot “contract away” Rehab Act or ADA obligations.



Obligations Under ADA Title II and Rehab Act

Obligations include:

- Equally effective communication
- Non-discrimination in operations
- Program and facility accessibility





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Questions?

Vaccine Sites Have Obligations

During:

- Online registration
- Phone registration
- Registration at site
- Vaccination waiting areas



Equally Effective Communication

During the vaccination process, vaccination sites must provide equally effective communication to people with:

- Hearing disabilities
- Visual disabilities
- Speech disabilities



Equally Effective Communication

Equally effective communication is communication that is as effective for people with communication disabilities as people without disabilities.



Auxiliary Aids and Services (Accommodations)

Auxiliary aids and services may be required to provide equally effective communication to people with communication disabilities

- Auxiliary aids and services are referred to as “accommodations”



Effective Communication for People with Hearing Disabilities

Auxiliary aid and services (accommodations) could include:

- Sign Language interpreter
- Tactile interpreter (for people who are Deafblind)
- Oral interpreter
- Communication Access Real-time Translation (CART)
- Written notes (under limited circumstances)





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Effective Communication for People with Visual Disabilities

Auxiliary aid and services (accommodations) could include:

- Readers
- Large print
- Screen reader compatible electronic material
- Braille



Effective Communication for People with Speech Disabilities

Auxiliary aid and services (accommodations) could include:

- Communication boards
- Written notes
- Paper and pen
- Allowing additional time for appointments



Primary Consideration

Primary Consideration should be given to the specific type of auxiliary aid or service that is requested

Entity may choose accommodation other than what is requested if that auxiliary aid or service provides effective communication





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Questions?

Plain Language

Plain Language is:

“communication that can be understood by the intended audience and meets the purpose of the communicator.”

NOTE: FEMA requires usage of plain language for grant recipients.

(Source)



Non-Discrimination in General Operations

These obligations include:

Adopting and complying with a policy to allow service animals in all areas members of the public are allowed



Non-Discrimination in General Operations

- Service animals are dogs and miniature horses that are trained to assist a person with a disability
- Service animals must be housebroken and under owner's control
- Emotional support animals are not required to be admitted



Service Animal Examples

Who can provide an example of a situation where a service animal would be allowed at a vaccine site?

Who can give an example of a situation where an animal would not be allowed at a vaccine site?



Non-Discrimination in General Operations

Surcharges are prohibited.

People with disabilities cannot be charged for an auxiliary aid or service (accommodation).



Surcharge Examples

Who can provide an example of a surcharge for people with disabilities that would be prohibited at a vaccination site?

Who can give an example of a surcharge on a person with a disability that might be permitted at a vaccination site?



Non-Discrimination in General Operations

Eligibility criteria cannot screen out people with disabilities.



Examples of Eligibility Criteria that Screen Out People with Disabilities

Requiring people to have a driver's license to get the vaccine

Any other examples?



Non-Discrimination in General Operations

Reasonable Modification to policies, practices, and procedures must be when it does not fundamentally alter the nature of the program.



Examples of Eligibility Criteria that Screen Out People with Disabilities

These MAY include:

- Assisting an individual who can't write due to their disability complete a form
- Notifying an autistic person wearing noise-canceling headphones in the waiting area that it is time for them to advance in the process
- Allowing someone with a behavioral health disability or intellectual disability to have a support person with them (possibly)

Modifications are not required when they cause a fundamental alteration to the nature of the program



Program and Facility Accessibility

All **programs** must be accessible to and usable by people with disabilities when viewed in their entirety.

This means:

- If constructed before 1990 under ADA or 1977 under the Rehab Act, not every building or every area of every building must be accessible
- Not all vaccine sites must be physically accessible
- **BUT** there must be accessible vaccine sites within reasonable geographic proximity, open similar hours or longer, providing the same services



Sites Must Have Accessible

- Entrances/Exits
- Registration area(s)
- Vaccination area(s)
- Waiting area(s)
- Restroom(s)



Limitation on Obligations

- Undue Burden
- Fundamental Alteration





Questions?

Resources:

CDC: [Prevaccination Checklist for COVID-19 Vaccines](#)

IAC: [Screening Checklist for Contraindications to Vaccines for Adults](#)

WA DOH: [Immunization Forms](#)

Plain Language examples/resources:

SARTAC: [COVID-19 Vaccine Information in Plain Language](#)

ASAN: [COVID-19 Vaccine Fact Sheet in Plain Language](#)





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Thank you!

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