



Vaccine Sites that are Accessible to People with Disabilities

Legal Obligations and Using the Access Checklist

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Welcome & About Us

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.



This Presentation is an Overview

This presentation is only a thumbnail sketch of your obligations and a summary of the checklist.



Question 1: Do children still need parental/guardian consent to get a COVID-19 vaccine?

In Idaho, minors must have consent from a parent or guardian to receive a vaccination unless the minor meets a statutory exemption or obtains court approval to provide their own consent.

- Vaccine providers should consult with their legal counsel if they do not intend to require parental consent from minors.
- The bottom line is it's up to healthcare providers to determine if the minor has the ability to consent to their own care.

<https://healthandwelfare.idaho.gov/idaho-covid-19-vaccination-information/covid-19-vaccine-faq> (5/11/2021)



Question 1: Do children still need parental/guardian consent to get a COVID-19 vaccine?

[The Panhandle Health District website](#) offers:

- Parental Consent Form
- Information for home vaccines





Questions from module 1?

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.



Who has Obligations Under the ADA?

States, counties, municipalities have obligations under Titles I and II.

Private providers under have obligations Title I and III.

Today, we will discuss obligations under Titles II and III.



Rehabilitation Act

Any recipient or subrecipient of federal funds has obligations not to discriminate against people with disabilities 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.



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 regarded as having 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



Obligations Under ADA Title II and Rehab Act

Obligations include:

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



Vaccine Sites Have Obligations Throughout the Process

Including during:

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



Obligations under ADA and Rehab Act

- Equally Effective Communication
- Non-Discrimination in Operations
- Program and Facility accessibility (physical accessibility)



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 & 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 interpreters
- Video Relay Interpreting (VRI)
- Tactile interpreters (for people who are Deafblind)
- Oral interpreters
- Communication Access Real-time Translation (CART)
- Written notes (under limited circumstances)



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



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.



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 to vaccine sites.



Non-Discrimination in General Operations

Surcharges are prohibited.

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



Non-Discrimination in General Operations

Eligibility criteria cannot screen out people with disabilities.



Examples of Eligibility Criteria that May Screen Out People with Disabilities

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



Non-Discrimination in General Operations

Reasonable Modification to policies, practices, and procedures must be made to avoid discrimination against people with disabilities **UNLESS** doing so fundamentally alters the nature of the program.



Examples of Modifications to Policies and Practices

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



Examples of Modifications to Policies and Practices

- Allowing someone with a behavioral health disability or intellectual disability to have a support person with them (possibly)
- Allowing a person with a mobility disability to sit
- Allowing a person with a disability that makes waiting in line difficult such as PTSD, or a sensory disability to advance in the line



Fundamental Alteration

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 areas
- Vaccination areas
- Waiting areas
- Restrooms



Limitation on Obligations

- Undue Burden
- Fundamental Alteration





Access Checklist for Vaccination Sites

Checklist Overview

This checklist consists of three sections that can be used independently of each other, and the checklist should be completed in its entirety to assess the accessibility of vaccination sites.

It should be used for all vaccination sites including walk-in, drive-through, pop-up, and mobile unit sites.



Section 1: Vaccination Registration / Appointment Checklist for Non-Structural Elements

- Provides instructions for people with disabilities registering for the vaccine online or by phone
- Is also a tool to assess other access needs including equally effective communication that they might have



Section 2: Vaccination Site Checklist for Non-Structural Elements

- Vaccination Site Checklist for Non-Structural Elements is a tool to assess
- Vaccine site's capacity to provide access to people with disabilities that is non-structural in nature



Section 2: Examples from Checklist - Page [5]

Check in

Is there a policy allowing companions to accompany people with disabilities who need on-site assistance?

Yes No

Are sign language interpreters available on-site to interpret for individuals who are Deaf during registration, the vaccination process, and while waiting after the vaccine is administered?

Yes No



Section 2: Vaccination Site Checklist for Non-Structural Elements

Vaccination Site Checklist for Non-Structural Elements is a tool to assess a vaccine site's capacity to provide access to people with disabilities that is non structural in nature.



Section 2: Examples from Checklist - Page [5]

When are the sign language interpreters available?

[_____]

Is this information about sign language interpreters made available on the electronic registration site?

[] Yes [] No



Section 2: Examples from Checklist - Page [6]

Check in (Continued)

Are peer support specialists available on- site or virtually to assist individuals with mental health or other disabilities who may need support while waiting in line, in the car, or at a site, during the vaccination or while waiting?

Yes No



Section 2: Examples from Checklist - Page [7]

Is there a policy allowing service animals to accompany people with disabilities?

Yes No

Are vaccination site staff provided training on this policy?

Yes No



Section 2: Examples from Checklist - Page [7]

Are there circumstances where would someone would be allowed to move to the front of the line because of their disability?

Yes No

Please describe examples of these circumstances. [_____]

If “yes,” have staff been instructed on this policy?

Yes No



Section 3: Structural Checklist for Drive-Through and Walk-in Vaccination Sites

- Tool to assess adherence of structural elements of vaccine sites with Americans with Disabilities Act Accessibility Guidelines (ADAAG)



Section 3: Hints

Measuring tools:

- Tape measure
- Electronic measuring device
- Two-foot level
- Spring gauge or door pressure assessment device to ascertain door pressure weight (i.e., pressure)



Section 3: Hints, Cont.

Start on the outside

- Parking
- Walkways
- Drop-off areas
- Exterior ramps
- Entrances



Section 3: Hints, Cont.

Use the “Comments” space provided in each section to describe conditions that:

- Need attention or correction, or to add details that cannot be adequately addressed
- In the questionnaire recorded comments ensure that faulty memory - the bane of accurate assessment - does not produce inaccurate evaluation results



Section 3: Hints, Cont.

Glossary

Note: Pages 9-10 contains a Glossary on Section 3

It will be helpful when conducting access surveys



Resources:

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

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

NJ DOH: [NEW JERSEY COVID-19 Information Hub](#)

Plain Language examples/resources:

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

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



Resources

Resources for conducting access surveys:

- Find your local Center for Independent Living (CIL)
 - Website: [ILRU](#)
- Northeast ADA Center
 - Website: <https://adata.org/region-2-northeast-ada-center>
- U.S. Access Board
 - Website: <https://www.access-board.gov/>



Resources

Door access:

- U.S. Access Board: [Maneuvering at Doors](#)

Clear floor space for wheelchairs:

- ADA.gov: [ADA Accessibility Guidelines For Buildings and Facilities](#)





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Thank you!

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