

Project ALI  E



Accessible Life-saving Integrated Vaccine Equity

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# **Making the Vaccine Process Accessible: Understanding Legal Rights and Reducing Trauma in Arkansas**

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- Please avoid using acronyms

# **Welcome and About Us**

# Welcome and Introductions

**Project ALIVE** (Accessible Life-saving Integrated Vaccine Equity) is a short-term (February-July 2022) focused effort to remove barriers to COVID-19 vaccinations for people with disabilities living in the rural areas of Montana, Missouri, and Arkansas.

**The goal is to help those wanting a vaccine and needing support, to access one.**

# Population Focus of Project ALIVE

Project ALIVE's focus is on:

- People with disabilities in rural areas of Arkansas who desire a COVID-19 vaccine and experience barriers to access the vaccine  
and
- People who are hesitant but are still open to getting vaccinated

# Disclaimer

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



# Ground Rules

- Maintain confidentiality
- Ask questions
- Have fun!!!

**Do you have ground rules you'd like to suggest?**

# This Training Is An Overview

This is to familiarize you with what we are presenting to Public Health agencies.

It will include:

- Reviewing legal obligations of vaccine sites
- Discussing ways to reduce trauma during the vaccination process
- Describing the Vaccine Site Checklist

# Today's Objectives

By the end of the training, you will be familiar with:

- Some of the legal rights of disabled people during the vaccination process
- The Vaccine Site Checklist
- Ways to reduce trauma for disabled vaccine recipients

**Do you have any objectives to share?**

# Goal During the Vaccination Process

Getting vaccinations to everyone with a disability who wants them in ways that are accessible and minimize trauma.

# What is NOT a Goal

A vaccine-seeker leaves a vaccination site because they were afraid, intimidated, confused, or overwhelmed.

OR

Authorities being called unnecessarily resulting in a vaccine-seeker ending up in jail or in an institution.

# **Legal Obligations of Vaccine Sites to Disabled People**

# Vaccination Process Must be Accessible to People with Disabilities

Includes:

- Making an appointment online, by phone, and in person
- Checking in for the vaccine
- Waiting for the vaccine
- Receiving the vaccine
- Waiting after vaccine

# Some Disability Civil Rights Laws that Apply to Vaccine Sites

The entire vaccination process must be accessible to disabled people under:

- 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

Under the ADA, disabled people are individuals with a:

- Physical or mental impairment that substantially limits one or **more major life activities**
- Record of having such impairment
- Regarded as having an impairment

# Definition of Disability

Under the ADA Amendment Acts of 2008, 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
- Working
- Major bodily functions

# Definition of Disability

Under the ADA Amendment Acts of 2008, major bodily functions include but are not limited to:

- Functions of the immune system;
- Normal cell growth; and,
- Digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

# Question for You

Can you give examples of people protected under the ADA and Rehab Act?

# 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.
- Certain **private providers** have obligations under Titles I and III.

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

# Rehabilitation Act

Any recipient or subrecipient of federal funds has obligations under the Rehabilitation Act (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

# Vaccine Sites Have Obligations

During:

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

# Types of Vaccination Sites

Some types include:

- Pharmacies
- Doctor offices
- Hospitals
- Mobile sites
- Pop-up sites
- Drive-through sites
- Mass vaccination sites
- At-home vaccinations

# 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 Transcription (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.”
- Provides access, but is not required under equally effective communication provisions.

# Non-Discrimination in General Operations: Service Animals

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

- 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 but may be allowed

# Questions for You

## **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

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

# Questions for You

## 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**

Eligibility criteria for program participation cannot screen out people with disabilities.

# **Non-Discrimination in General Operations: Reasonable Modifications**

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

# Examples of Reasonable Modifications

Some examples include:

- Assisting an individual who can't write due to their disability complete a form
- Notifying a person wearing noise-canceling headphones due to a disability in the waiting area that it is time for them to advance in the process

# Examples of Reasonable Modifications

Some examples include:

- Allowing someone with a behavioral health disability or intellectual disability to have a support person with them

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

# Question for You

Can you give some other examples of modifications to policies or procedures that might be required during the vaccine process?

# Program and Facility Accessibility

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

# Program and Facility Accessibility

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

# Accessible Vaccine Sites

Sites must have accessible:

- Entrances/Exits
- Registration area
- Vaccination area
- Waiting area
- Restroom



# Limitation on Obligations

- Undue Burden
- Fundamental Alteration

# Questions for You

Can you give examples of barriers you or consumers have encountered during the vaccine process?

Do you think these barriers are prohibited under the ADA or the Rehabilitation Act?

# **Vaccine Site Checklist Overview**

# Vaccine Site Checklist

- The checklist:
  - Contains sections that can be used independently of each other
  - Should be completed in its entirety to assess the accessibility of vaccination sites
  - Should be used for all vaccination sites, including walk-in, drive-through, pop-up, and mobile unit.
- Addresses obligations and considerations for at-home vaccinations.

# Section 1: Vaccination Registration and 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:
  - Equally effective communication
  - Vaccine site's capacity to provide access to people with disabilities that is non-structural in nature

## Section 2: Examples from Checklist

### Check in

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

Yes  No

## Section 2: Examples from Checklist

### Check in:

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

Yes  No

## Section 2: Examples from Checklist

### Check in:

Which dates and times are the sign language interpreters available?

[ \_\_\_\_\_ ]

Is the availability of sign language interpreters posted on the virtual registration site?

[ ] Yes [ ] No



## Section 2: Examples from Checklist

### Check in:

Are peer support specialists available on-site or virtually to assist individuals with psychiatric disabilities who may need support while waiting at the vaccination site?

Yes  No

## Section 2: Examples from Checklist

### Check in:

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

Yes  No

Are vaccination site staff provided training on the service animal policy?

Yes  No

## Section 2: Examples from Checklist

### Check in:

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

Yes  No

## Section 2: Examples from Checklist

### Check in:

Please describe examples of these circumstances.

[ \_\_\_\_\_ ]

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

[ ] 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)

# **Supporting People with Disabilities During the Vaccination Process**

# What to Do to Make the Vaccination Process More Comfortable

Create a lower stimulation environment by:

- Asking people to speak in low tones and modeling it
- Using incandescent lighting, where feasible

Provide objects that are soothing, such as:

- Fidget devices
- Weighted blankets
- Noise canceling headphones

# What to Do to Make the Vaccination Process More Comfortable

Be flexible:

- Give injection in space outside of designated injection area.
- Permit people to walk or move.
- Walk or move with people if they want.
- Consider at home vaccinations.
- Do you have examples?



# Triggers

Mental health triggers are “events, things, experiences, or potentially even people who cause the mind and body to react. These reactions present themselves differently depending on the type of emotional trigger.”

Vaccination processes and environments can trigger people with disabilities.

# Triggering Environments

A triggering environment can be vaccine sites that are:

- Crowded
- Noisy
- Unpredictable
- Confusing

# Triggering Behaviors

Some triggering behaviors include:

- Using a raised voice (even it is only meant to provide instruction)
- Expecting people to be able to move or speak quickly

People who are triggered sometimes act in ways that are inappropriate or perceived as inappropriate.

# Strategies for Prevention and Mitigation

Some strategies include:

- Providing a quiet area
- Providing ear protective or noise-cancelling headphones
- Adapting your expectations
- At-home vaccines

# Perceived Inappropriate Behavior

Adapting expectations requires you to look at your own assumptions regarding acceptable public behavior.

Perceived inappropriate behavior can be:

- Pacing
- Stimming
- Sitting on the floor
- Asking numerous questions
- Covering ears
- Crying

# Perceived Inappropriate Behavior

What to do:

- Approach the person and calmly talk / interact with them
- Ask how you can help
- Brainstorm solutions together
- De-escalate

# De-Escalation

## De-escalation strategies:

1. Be Empathic and Nonjudgmental
2. Respect Personal Space
3. Use Non-threatening Nonverbals
4. Keep Your Emotional Brain in-Check
5. Focus on Feelings

# De-Escalation

## De-escalation strategies:

6. Readdress/Re-focus Non-Relevant Questions
7. Set Limits
8. Choose Wisely What You Insist Upon
9. Allow Silence for Reflection
10. Allow Time for Decisions



# De-Escalation

Other de-escalation strategies:

- Move to a quieter area such as quiet space in the vaccine site
- Breathing
- Support of a peer specialist
- Crisis line support

# What to Do to Make the Vaccination Process More Comfortable

- Ask what the person needs.
- Invite them to the quiet low stimulation area.
- Invite them to move to the front of the line and explain what will happen next, if this is your practice.

# Actions to Avoid During an Incident

- Do not call 911!
  - Unless the person is threatening to physically hurt themselves or others.

**Questions?**

# Scenarios

# Scenario

**You get a call from public health** asking what to do when a person is rushing out of the vaccination site covering their ears and saying “I can’t stand this.”

**What do you say?**

# Scenario

**You get a call from public health** asking what to do when a wheelchair user is at a vaccine site that is not structurally accessible.

**What do you say?**

# Scenario

**You get a call from a consumer** saying they got a bill for an ASL interpreter after getting a vaccine.

**What do you say?**



# Scenario

**You get a call from public health** asking what to do when a person without an apparent disability is upset because someone with a disability was perceived to cut in line.

**What do you say?**

# Scenario

**You get a call from a consumer** saying they were told to leave their service miniature horse outside of the vaccine site.

**What do you say?**

# Scenario

**You get a call from public health** asking what to do when a Deaf person who requested an interpreter ahead of time, shows up at the site and there is no interpreter.

**What do you do?**

# Questions and Comments

# Resources

- [Arkansas Crisis Center](#) helpline: 888-274-7472
- [National Suicide Prevention Lifeline](#): 1-800-273-8255

# Resources

## Vaccines

- **CDC:** [Prevaccination Checklist for COVID-19 Vaccines](#)
- **Immunization Action Coalition:** [Screening Checklist for Contraindications to Vaccines for Adults](#)

## Access surveys and ADA

- [ADA Information Line](#)
- [Southwest ADA Center](#)
- [U.S. Access Board](#)

# Resources

## Plain Language

- **Self Advocacy Resource and Technical Assistance Center (SARTAC):** [COVID-19 Vaccine Information in Plain Language](#)
- **Autistic Self Advocacy Network (ASAN):** [COVID-19 Vaccine Fact Sheet in Plain Language](#)
- **Association of University Centers on Disabilities (AUCD):** [Tools for Using Plain Language and Easy Read](#)

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# Thank you!

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# Project ALIVE



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