KNOW YOUR RIGHTS:
A Guide to Healthcare Discrimination for Individuals Living with a Disability

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This guide is intended to provide accurate, general information regarding legal rights relating to healthcare access in California, as of August 1st, 2020.

This guide is not intended to give you specific legal advice regarding your individual situation.

In addition, laws and legal procedures are subject to frequent change and differing interpretations.

If you have questions or need legal advice about your specific case, please contact an attorney or the appropriate agency about your rights.
Healthcare access barriers for working-age adults include:

- **1 in 3** adults with disabilities (18-44 years) do not have a usual healthcare provider.
- **1 in 3** adults with disabilities (18-44 years) have an unmet healthcare need because of cost in the past year.
- **1 in 4** adults with disabilities (45-64 years) did not have a routine check-up in the past year.

Source: https://www.cdc.gov/ncbddd/disabilityandhealth/infographic-disability-impacts-all.html
A disability is a

(i) physical or mental impairment that
(ii) substantially limits one or more
(iii) major life activities.

– AMERICANS WITH DISABILITIES ACT
<table>
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<tr>
<th>FEDERAL</th>
<th>STATE (CA)</th>
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<tbody>
<tr>
<td>AMERICANS WITH DISABILITIES ACT</td>
<td>UNRUH CIVIL RIGHTS ACT</td>
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<td>REHABILITATION ACT</td>
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<td>FAIR HOUSING ACT</td>
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<td>TELECOMMUNICATIONS ACT</td>
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<tr>
<td>INDIV. WITH DISABILITIES EDUCATION ACT</td>
<td>AND MORE</td>
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<td>HELP AMERICA VOTE ACT</td>
<td>Protocols against discrimination based on:</td>
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<tr>
<td>AND MORE</td>
<td>sex, race, color, religion, ancestry, national origin, age, disability, medical condition, marital status, or sexual orientation</td>
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REASONABLE ACCOMMODATIONS

MUST BE REQUESTED

MODIFICATIONS TO THE EXISTING POLICIES, PRACTICES, OR PROCEDURES

THIS IS AN ONGOING DUTY + CAN BE ALTERED AS YOUR NEEDS CHANGE

FUNDAMENTAL ALTERATIONS ARE NOT REASONABLE ACCOMMODATIONS
ASK
Make a request for reasonable accommodations as soon as you can. DO THIS IN WRITING, IF POSSIBLE. If you don’t ASK, you won’t get it.

GIVE
Provide your clinician with all of the necessary information so that they can get you treated properly.

RECORD
Make note of important details along the way and get your answers in writing.
TELLING YOUR STORY.

LET YOUR CLINICIAN KNOW WHAT’S REALLY GOING ON WITH YOU.

DO NOT HOLD BACK. DO NOT WAIT.

YOU MAY ASK FOR THINGS LIKE:

AN ACCESSIBLE EXAMINATION TABLE
ADDITIONAL TIME
REASONABLE ASSISTANCE
ACCESSIBLE EXAMINATION TABLE
EXAMPLES OF ARCHITECTURAL ACCOMMODATIONS

- Accessible routes from parking or bus stops into the building
- Accessible parking and parking pay machines
- Accessible entry doors with the required clearance width
- Clear floor space and maneuvering clearance
- Accessible restrooms
- Accessible signage
EXAMPLES OF REASONABLE ACCOMMODATIONS

• Granting an early appointment
• Granting access to virtual healthcare
• Granting a request for a clinician of a certain gender
• Modifying a policy requiring patients to complete their own paperwork
• Allowing additional time to explain care to a patient
• Receiving and reading a list of questions from you in advance
• Allowing a service dog to attend the appointment
• Providing an accessible examination table
BEING SEEN. BEING HEARD.

YOUR CLINICIAN SHOULD ADDRESS YOU DIRECTLY.

IF YOU ARE DEAF AND COMMUNICATE USING SIGN LANGUAGE, YOU SHOULD HAVE ACCESS TO AN INTERPRETER.

IF YOU ARE LIMITED ENGLISH PROFICIENT ("LEP"), YOU MAY BE ELIGIBLE TO RECEIVE FREE TRANSLATION SERVICES, INCLUDING AN ON-SITE TRANSLATOR IN SOME CASES.
# EFFECTIVE COMMUNICATION

<table>
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<tr>
<th>Assistive listening devices</th>
<th>ASL &amp; foreign language interpreters</th>
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<tr>
<td>Taped texts</td>
<td>Qualified readers</td>
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<tr>
<td>Brailled materials</td>
<td>Large print materials</td>
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<tr>
<td>Notetakers</td>
<td>Relay Service “711”</td>
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Your protected health information, meaning your health records and diagnoses, any test results, charts, and appointment records, should be kept private between your healthcare provider and yourself.

Before any of this information is released, you must be notified and consent to the release.

LAWS THAT PROTECT YOUR PRIVACY:

• CALIFORNIA STATE CONSTITUTION
• CALIFORNIA CONSUMER PRIVACY ACT
• CALIFORNIA CONFIDENTIALITY OF MEDICAL INFORMATION ACT
• CALIFORNIA HEALTH & SAFETY CODE
• HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT
MENTAL HEALTH

Healthcare providers and clinicians must consider what reasonable accommodations they need to make to ensure individuals with a mental health condition are not disadvantaged when using health services.

You may need additional assistance and additional time at your appointments. Let your clinician know in advance.

Seek out mental health support groups in your community.

Mental Health Advocacy - Los Angeles
The National Alliance on Mental Illness
Mental Health America
EXAMPLES OF DISCRIMINATION

• Your clinician does not respond to your reasonable accommodation request
• Your clinician responds to your request by refusing to accommodate you
• Your clinician does not treat you like their other patients
• Your clinician does not allow you to communicate in a way that you feel most comfortable
• Your clinician ignores your wishes and desires, and generally doesn’t seem to be listening to you and what you need
• Your clinician drops you out of treatment early without good reason
• You are not satisfied with your treatment overall and you think it’s because of your disability not being accommodated
• You believe you are receiving inadequate or substandard care
OTHER DISCRIMINATION FACTORS

If you file a complaint or speak with an advocate, remember to list ALL the ways in which you may have been discriminated against, which includes listing multiple disabilities, if you are affected by more than one.

SEX  |  RACE  |  COLOR  |  RELIGION  |  ANCESTRY
NATIONAL ORIGIN  |  AGE  |  DISABILITY  |  MEDICAL CONDITION
MARITAL STATUS  |  SEXUAL ORIENTATION
HEALTHCARE REGULATION INFO.

This publication found on Disability Rights California’s site may be helpful to you if you need information or have a complaint regarding health care providers, programs, facilities, or services you have received:

**Consumer Information for Complaints about Healthcare Professionals, Facilities, and Programs**
As a homeless individual with a disability, you are entitled to high quality, voluntary physical and mental health, as well as addiction treatment services in community locations that are accessible and provide transportation to services as needed.

Shelters must also make reasonable accommodations for your disability, allow service and assistance animals, provide safe storage space for personal possessions and be available in different geographic areas.
If you are incarcerated and living with a disability, or know someone who is, you should not be subject to inadequate medical care.

Prisoners with disabilities should receive equal access to facilities, programs and services.
People living with HIV, both symptomatic and asymptomatic, have physical impairments that substantially limit one or more major life activities and affect the person’s immune system at large. This provides protection for people living with HIV under the ADA and other State-specific legislation.

Specialty care doctors like gynecologists, anesthesiologists, dentists and those that perform elective surgery procedures are more likely to discriminate against people living with HIV/AIDS.

Your HIV status is part of your protected health information, which means that your healthcare provider cannot release your status to your employer without your consent.
OTHER RESOURCES

LEGAL RESOURCES:

Disability Rights California
Disability Rights Legal Center
Department of Healthcare Services
Department of Health Care Services: Office of the Ombudsman
U.S. Dept. of Justice – Civil Rights Division
Western Center on Law and Poverty
Disability Rights Bar Association

PROFESSIONAL / PEER-TO-PEER GROUPS:

Disability Community Resource Center
Greater Los Angeles Agency on Deafness
Respect Ability
Disabled American Veterans

LGBTQ+ RESOURCES:

Lambda Legal
APLA Health
Transgender Law Center
National Center for Transgender Equality

GENERAL HEALTHCARE ACCESS:

AltaMed
Tarzana Treatment Center

Bienestar