

**18<sup>th</sup> Annual Sleep Medicine Conference  
Kentucky Sleep Society  
Accommodating the Disabled Patient in  
the Sleep Center**

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# Learning Objectives:

1. Define accommodations and needs.
2. Providing appropriate means of communication for deaf and vision impaired.
3. Accommodating service animals in the sleep lab.
4. Assuring a safe environment.

# Americans with Disabilities Act (ADA)

\*ADA covered employers are required to provide “reasonable accommodations” to qualified job applicants and employees with disabilities.

In the employment context → reasonable accommodation is defined as any change or adjustment to a job, the work environment, or the way things usually are done that would allow an individual with a disability to apply for a job, perform job functions, or enjoy equal access to benefits available to other individuals in the workplace.

# Accommodations

Accommodations → “productivity enhancers” may include:

- Physical changes
  - Installing a ramp
  - Modifying a workspace
- Accessible and assistive technologies
  - Ensuring application software is accessible, e.g. online application systems
  - Providing screen reader software
  - Utilizing videophones to facilitate communications with colleagues who are deaf
- Accessible communications
  - Providing sign language interpreters or closed captioning at meetings and events
  - Making materials available in Braille or large print

# Accommodations

- Policy enhancements
  - Modifying a policy to allow a service animal in a business setting
  - Adjusting work schedules to allow employees with chronic medical issues to go to medical appointments and complete their work at alternate times or locations.

ADA requires an employer to provide reasonable accommodation to an employee or job applicant with a disability, unless doing so would cause significant difficulty or expense for the employer.

# Reasonable Accommodations

## Federal Resources

Additional information about reasonable accommodations is available from these federal resources:

- ADA National Network – A federally-funded network of 10 regional centers offering businesses, government agencies, and individuals information, guidance, and training on the ADA.
- Computer/Electronic Accommodations Program (CAP) – The federal government’s centrally funded accommodation program, which provides assistive technology and services free of charge to federal agencies.
- Disability.gov – The federal government’s central source for information on disability programs and services nationwide
- The Equal Employment Opportunity Commission – One of the federal agencies responsible for administering and enforcing the employment provisions of the ADA
- The U.S. Department of Justice, Civil Rights Division – One of the federal agencies responsible for interpreting, administering, and enforcing the ADA.

# Disability Discrimination

- Disability Discrimination occurs when an employer or other entity covered by the ADA, as amended, or the Rehabilitation Act, as amended, treats a qualified individual with a disability who is an employee or applicant unfavorably because they have a disability.
- Disability discrimination also occurs when a covered employer or other entity treats an applicant or employee less favorably because they have a history of a disability or because they are believed to have a physical or mental impairment that is not transitory (lasting or expected to last 6 months or less) and minor (even if they do not have such an impairment).

# Section 504 of the Rehabilitation Act of 1973

\*Federal Employees and applicants are covered by the Rehabilitation Act of 1973.

# Undue Hardship

ADA requires an employer to provide reasonable accommodations to an employee or job applicant with a disability, unless doing so would cause significant difficulty or expense for the employer (“undue hardship”).

# Family and Medical Leave Act (FMLA)

- The ADA does not require an employer to accommodate an employee who must care for a disabled family member.
- The Family and Medical Leave Act (FMLA) may require an employer to take such steps.
- The Department of Labor enforces the FMLA.

# Accommodating Patients with Disabilities

- What is considered a “disability?”
- What is the sleep lab’s obligation to a patient with a disability?
- What accommodation must a provider make?

# Questions?

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