

# Access to Support in Hospital Settings: Patients with Disabilities and Pediatric Patients

3/2/2021

Updates to this document since June 2020 include changes to make the content easier to read and understand.

This guidance from the Minnesota Department of Health is to remind licensed Minnesota hospitals of their duties to patients with disabilities, pediatric patients, and others who may enter their setting to support a child or a person with a disability.

Discrimination on the basis of disability is prohibited under the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, the Minnesota Human Rights Act, and Section 1557 of the Affordable Care Act. Guidance in this document is not intended to provide legal advice to licensed hospitals about what these laws say they must do and the steps they must take to follow these laws. Nor does following this guidance serve as a defense to legal or regulatory enforcement actions under these laws. Licensed hospitals should consult with legal counsel for advice about their duties under relevant state and federal laws, including anti-discrimination laws. During this COVID-19 public health emergency, hospitals are expected to comply with the federal and state laws with policies and practices that continue to make reasonable accommodations for those who need it. Hospitals that participate in Medicare are also regulated under federal standards. Get more information at [CMS: Hospitals \(www.cms.gov/Medicare/Provider-Enrollment-and-Certification/CertificationandCompliance/Hospitals\)](https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/CertificationandCompliance/Hospitals).

An area of particular concern noted by families and advocates is patients with disabilities and pediatric patients being able to have a support person or their parents/legal guardians with them while hospitalized. In response to these concerns, we ask all licensed Minnesota hospitals to adopt visitation policies that recognize the needs of people with disabilities and pediatric patients. These policies should be made available to the public and, upon request, to any interested person. Such policies should include language, at a minimum, to:

- Make it possible for at least one support person – whether a family member, support professional, or other person of the patient’s choice – to go with a person with disabilities to the hospital, visit them in the hospital, and stay with them in the hospital, as long as they follow hospital policy.

## ACCESS TO SUPPORT IN HOSPITAL SETTINGS: PATIENTS WITH DISABILITIES AND PEDIATRIC PATIENTS

- Make it possible for at least one parent or legal guardian to go with pediatric patients to the hospital, visit them in the hospital, and stay with them in the hospital, as long as they follow hospital policy.
- Let the patient name a support person. If the patient is not able to choose a support person, have another way to name a support person who could include people legally authorized to make decision for that patient, family members, personal care assistants, disability service providers, or any other person who may be able to help the patient.
- Establish reasonable accommodations for children under the age of 2 and people with disabilities who are not able to wear a mask due to their disability, such as a medical condition or sensory issue. Policy should ensure that effective communication is available to people who are deaf or hard of hearing or for whom a mask would be a barrier to communication.
- Establish a way for people with disabilities to propose other reasonable accommodations that also follow the hospital's infection control policy. Create options for letting support people give support remotely if the support person does not meet COVID-19 screening criteria.

Hospitals should also adopt policies for communicating with families, support people, and/or support professionals of patients with disabilities who do not have a support person at the bedside. Hospitals should explain these policies to the support people before the patients arrive at the hospital, whenever possible.

All support people, parents, and legal guardians should still be screened for COVID-19 symptoms when they arrive at the hospital, and periodically during their stay. They should expect to follow hospital policy if they show symptoms. This may include getting a COVID-19 test or seeing a medical provider. In addition, all support people should be required to wear appropriate personal protective equipment (PPE), with reasonable accommodations, and to comply with hospital policies for using and conserving the equipment.

The hospital visitation policy should explain how a person can file an internal complaint with the hospital if the person believes the hospital did not provide reasonable accommodation to a person with a disability. The policy also should include information on how a person can file a complaint of disability discrimination with the Office of Civil Rights and the Minnesota Department of Human Rights.

### **[U.S. Department of Health and Human Services Office of Civil Rights: Complaint Portal](https://ocrportal.hhs.gov/ocr/cp/complaint_frontpage.jsf)**

[ocrportal.hhs.gov/ocr/cp/complaint\\_frontpage.jsf](https://ocrportal.hhs.gov/ocr/cp/complaint_frontpage.jsf)

800-368-1019 or 800-537-7697

### **[Minnesota Department of Human Rights: Report Discrimination](https://mn.gov/mdhr/intake/consultationinquiryform/)**

[mn.gov/mdhr/intake/consultationinquiryform/](https://mn.gov/mdhr/intake/consultationinquiryform/)

651-539-1100 or 1-833-454-0148 (discrimination help line)



Minnesota Department of Health | [health.mn.gov](https://health.mn.gov) | 651-201-5000  
625 Robert Street North PO Box 64975, St. Paul, MN 55164-0975

Contact [health.communications@state.mn.us](mailto:health.communications@state.mn.us) to request an alternate format.