

Attention: Name of Department Manager, Title

Hospital Name

Date: January 20, 2022

Re: Patient Name, Request for a Reasonable Modification, Support Person Needed

Dear Name of Department Manager,

Patient Name is currently in your ICU, room 317. I am writing to request a reasonable modification to your current COVID-19 “no visitors” policy for a support person to accompany Patient Name for his current hospital stay. This request is made under the Americans with Disabilities Act (ADA), the Rehabilitation Act, the Affordable Care Act, and the Arizonans with Disabilities Act. This request is consistent with recent guidance from the offices of the U.S. Department of Health Office for Civil Rights and the Arizona Department of Health Services.

Reason for the Reasonable Modification Request

Patient’s Name is a person living with a disability. He is diagnosed with (identify diagnosis, e.g. intellectual disability, autism, cerebral palsy, anxiety, hearing loss), a (physical or mental) impairment that substantially limits one or more of the following major life activities such as (caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working).

Patient’s name requires a support person accompanying him to the hospital stay because (describe the patient needs a disability-related exception to the policy, e.g. can’t communicate needs without assistance, can’t understand treatment, directions or discharge instructions, becomes too anxious without support, has behaviors that will result in unnecessary chemical or physical restraints, e.g. has balance and mobility problems that require 1:1 assistance).

Law Supporting Disability-Related Exceptions to No Visitor Policies

Several federal and state laws protect patients with disabilities and require public and private hospitals to provide reasonable modifications for patients with disabilities to ensure equal access to medical treatment. Both Title II and Title III of the Americans with Disabilities Act (ADA) and the Arizonans with Disabilities Act (AZDA) prohibit discrimination based on disability. Section 504 of the Rehabilitation Act of 1973 also prohibits discrimination in programs conducted by entities that receive federal financial assistance.

The Affordable Care Act provides that no health program or activity that receives federal funds may exclude from participation, deny the benefits of their programs, services or activities, or otherwise discriminate against a person protected under Section 504. As most health care facilities receive federal financial assistance, they are also subject to the nondiscrimination requirements of Section 504 and the ACA.

Discrimination includes the failure to make reasonable modifications in policies, practices, or procedures when necessary to provide equal opportunity to people with disabilities. If a patient with a disability requires an accommodation that involves the presence of a family member, personal care assistant or similar disability service provider, knowledgeable about the management of their care, to assist them or to ensure effective communication while receiving medical treatment, this exemplifies a necessary reasonable modification.

Recent Guidance Support Exceptions to No Visitor Rules

In March 2020, the U.S. Department of Health and Human Services Office for Civil Rights (HHS OCR) issued a bulletin stating disability civil rights protections remain in effect even during times of crisis and require that states and hospitals take measures to ensure people with disabilities have access to medical treatment, by providing, among other things, reasonable modifications to policies and procedures to address individualized needs. HHS-OCR's "[Bulletin: Civil Rights, HIPAA, and the Coronavirus Disease \(COVID- 19\)](#)" On June 9, 2020, HHS OCR resolved complaints filed by several disability rights organizations against the State of Connecticut and Hartford Hospital that alleged their no- visitor policies discriminated against patients with disabilities by agreeing to requiring changes to allow [support persons](#).

Thank you for the care you're providing for **Patient Name**. As you likely know, hospitals are obligated under the ADA, state regulations and licensing requirements to allow support persons when needed because of a disability. A policy that does not allow support persons to be present in the hospital represents a significant hardship to a vulnerable population and may violate state licensure rules and regulations.

Thank you for your prompt attention to this matter, and I look forward to working with you to obtain a reasonable modification.

Sincerely,

Name

Phone Number

Email

