



FACT SHEET

U.S. Department of Health and Human Services • Office for Civil Rights • Washington, D.C. 20201 • (202) 619-0403

YOUR RIGHTS UNDER SECTION 504 AND THE AMERICANS WITH DISABILITIES ACT

The Office for Civil Rights (OCR) within the U.S. Department of Health and Human Services (DHHS) is responsible for enforcing the nondiscrimination requirements of Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act (ADA) of 1990, involving health care and human service providers and institutions.

What Is Prohibited Under Section 504 and the ADA?

Both Section 504 and the ADA prohibit covered entities from discriminating against persons with disabilities in the provision of benefits or services or the conduct of programs or activities on the basis of their disability. Section 504 applies to programs or activities that receive Federal financial assistance. Title II of the ADA covers all of the services, programs, and activities conducted by public entities (state and local governments, departments, agencies, etc.), including licensing.

Who Is Protected Under Section 504 and the ADA?

Section 504 and the ADA protect *qualified individuals with disabilities*. An *individual with a disability* is a person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment. **Major life activities** means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. Under Section 504 and the ADA, a person is a *qualified individual with a disability* if he or she meets the essential requirements for receipt of services or benefits, or participation in the programs or activities of a covered entity. The question of whether a particular condition is a disability within the meaning of Section 504 and the ADA is determined on a case-by-case basis.

What Is a "Physical or Mental Impairment?"

Physical or mental impairments include, but are not limited to: visual, speech, and hearing impairments; mental retardation, emotional illness, and specific learning disabilities; cerebral palsy; epilepsy; muscular dystrophy; multiple sclerosis; orthopedic conditions; cancer; heart disease; diabetes; and contagious and noncontagious diseases such as tuberculosis and HIV disease (whether symptomatic or asymptomatic).

Specific Requirements

Covered entities **must not**:

- ✗ Establish eligibility criteria for receipt of services or participation in programs or activities that screen out or tend to screen out individuals with disabilities, unless such criteria are necessary to meet the objectives of the program.
- ✗ Provide separate or different benefits, services, or programs to individuals with disabilities, unless it is necessary to ensure that the benefits and services are equally effective.

Covered entities **must**:

- ✓ Provide services and programs in the most integrated setting appropriate to the needs of qualified individuals with disabilities.
- ✓ Make reasonable modifications in their policies, practices, and procedures to avoid discrimination on the basis of disability, unless it would result in a fundamental alteration in their program or activity.
- ✓ Ensure that buildings are accessible.
- ✓ Provide auxiliary aids to individuals with disabilities, at no additional cost, where necessary to ensure effective communication with individuals with hearing, vision, or speech impairments. (Auxiliary aids include such services or devices as: qualified interpreters, assistive listening headsets, television captioning and decoders, telecommunications devices for the deaf [TDDs], videotext displays, readers, taped texts, brailled materials, and large print materials.)

Who May File a Complaint with OCR?

Any individual who believes that he or she or a specific individual or class of individuals has been subjected to discrimination on the basis of disability, in a health or human service program or activity conducted by a covered entity, may file a complaint with OCR. Complaints must be filed within 180 days from the date of the alleged discrimination. OCR may extend the 180-day deadline if you can show "good cause."

Include the following information in your written complaint, or request a Discrimination Complaint Form from an OCR Regional or Headquarters office (complaints must be signed by the complainant or an authorized representative):

- Your name, address, and telephone number.
- Name and address of the entity you believe discriminated against you.
- How, why, and when you believe you were discriminated against.
- Any other relevant information.

Send your complaint to the Regional Manager at the appropriate OCR Regional Office, or to the address located below.

Upon receipt, OCR will review the information provided. If we determine we do not have the authority to investigate your complaint, we will, if possible, refer it to an appropriate agency. Complaints alleging employment discrimination on the basis of disability against a single individual may be referred to the U. S. Equal Employment Opportunity Commission for processing.

Private individuals may also bring law suits against a public entity to enforce their rights under Section 504 and the ADA; and may receive injunctive relief, compensatory damages, and reasonable attorney's fees.

For Further Information, Contact:

Director
U.S. Department of Health and Human Services
Office for Civil Rights
200 Independence Avenue, SW - Room 506-F
Washington, D.C. 20201

Hotlines: 1-800-368-1019 (Voice)

E-Mail: ocrmail@hhs.gov

1-800-537-7697 (TDD)

Website: <http://www.hhs.gov/ocr>