



FACT SHEET

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

YOUR RIGHTS UNDER THE AMERICANS WITH DISABILITIES ACT

What Is the Americans with Disabilities Act?

The Americans with Disabilities Act (ADA) of 1990 provides comprehensive civil rights protections to individuals with disabilities in the areas of employment, state and local government services, public accommodations, transportation, and telecommunications.

Who Is Protected Under the ADA?

The ADA protects *qualified individuals with disabilities*. An *individual with a disability* is a person who has a physical or mental impairment that substantially limits 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 the ADA, a *qualified individual with a disability* is an individual with a disability who meets the essential eligibility requirements for receipt of services or participation in programs or activities. Whether a particular condition constitutes a disability within the meaning of the ADA requires a case-by-case determination.

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).

What Is Title II of the ADA?

Title II of the ADA prohibits discrimination against *qualified individuals with disabilities* on the basis of disability in all programs, activities, and services of public entities. Public entities include state and local governments and their departments and agencies. Title II applies to all activities, services and programs of a public entity.

The Office for Civil Rights (OCR) within the U.S. Department of Health and Human Services has been designated enforcement responsibility under Title II of the ADA for state and local health care and human service agencies.

Specific Requirements

Public entities **may not**:

- ✗ Refuse to allow a person with a disability to participate in, or benefit from, their services, programs or activities because the person has a disability.
- ✗ Apply eligibility criteria for participation in programs, activities and services that screen out or tend to screen out individuals with disabilities, unless they can establish that such criteria are necessary for the provision of services, programs or activities.
- ✗ Provide services or benefits to individuals with disabilities through programs that are separate or different, unless the separate programs are necessary to ensure that the benefits and services are equally effective.

Public entities **must**:

- ✓ Provide services, programs and activities 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 they can demonstrate that a modification would fundamentally alter the nature of their service, program or activity.
- ✓ Ensure that individuals with disabilities are not excluded from services, programs and activities because buildings are inaccessible.
- ✓ 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 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 lawsuits against a public entity to enforce their rights under Title II of the ADA; and may receive injunctive relief, compensatory damages, and reasonable attorney's fees.

For Further Information, Contact:

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

Hotlines: 1-800-368-1019 (Voice) 1-800-537-7697 (TDD)
E-Mail: ocrmail@hhs.gov Website: <http://www.hhs.gov/ocr>