



OFFICE FOR CIVIL RIGHTS

Office for Civil Rights

U.S. Department of Health
and Human Services

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KNOW THE RIGHTS THAT PROTECT INDIVIDUALS WITH DISABILITIES FROM DISCRIMINATION

What is Section 504?

Section 504 is part of the Rehabilitation Act of 1973: a Federal law that protects individuals from discrimination based on disability. Under this law, individuals with disabilities may not be excluded from or denied the opportunity to receive benefits and services from certain programs.

What is Title II of the Americans with Disabilities Act?

Title II of the Americans with Disabilities Act (ADA) is another law that prohibits disability discrimination. It applies to all state and local government agencies and offers protections similar to Section 504.

To whom do these laws apply?

Section 504 applies to entities that receive financial assistance from any Federal department or agency, including the U.S. Department of Health and Human Services (HHS). These entities include many hospitals, nursing homes, mental health centers and human service programs. The Office for Civil Rights (OCR) at HHS, ensures that entities receiving federal financial assistance comply with these laws. Title II of the ADA applies to all state and local government agencies, whether or not they receive Federal financial assistance.

Who qualifies as an individual with a disability?

Section 504 defines an individual with a disability as a person with a physical or mental impairment that substantially limits one or more major life activities. Major life activities include caring for one's self, walking, seeing, hearing, speaking, breathing, working, performing manual tasks and learning.

Some examples of impairments that may substantially limit major life activities include: HIV/AIDS, blindness or low vision, cancer, deafness, diabetes, heart disease, intellectual disabilities and mental illness.

This also includes people who have a history of a physical or mental impairment that substantially limits one or more major life activities or who have been subjected to a discriminatory action because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.

How are individuals with disabilities protected by these laws?

Public entities and those receiving HHS funding 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 and those receiving HHS funding 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 their programs, activities and services are accessible to and readily usable by individuals with disabilities.
- Provide auxiliary aids at no additional cost to individuals with disabilities, where necessary, to ensure effective communication with individuals with hearing, vision or speech impairments. Auxiliary aids include, but are not limited to, services or devices such as: qualified interpreters on-site or through video remote interpreting (VRI) services, note takers, assistive listening devices, television captioning and decoders, telecommunication products and systems, qualified readers, taped texts, Brailled materials, and large print materials.

For more information, visit us at: www.hhs.gov/ocr
U.S. Department of Health & Human Services Office for Civil Rights

How to file a complaint of discrimination with the Office for Civil Rights (OCR)

If you believe that you or someone else has been discriminated against because of disability by an entity receiving financial assistance from HHS, you or your legal representative may file a complaint with OCR. Complaints must be filed within 180 days from the date of the alleged discrimination.

You may send a written complaint or you may complete and send OCR the Complaint Form available on our webpage at www.hhs.gov/ocr. The complaint form is also available on our webpage in a number of other languages under the Civil Rights Information in Other Languages section.

The following information must be included:

- Your name, address and telephone number.
- You must sign your name on everything you write. If you file a complaint on someone's behalf — e.g. spouse, friend, client, etc. — include your name, address, telephone number, and statement of your relationship to that person.
- Name and address of the institution or agency you believe discriminated.
- When, how and why you believe discrimination occurred.
- Any other relevant information.

If you mail the complaint, be sure to send it to the attention of the regional manager at the appropriate OCR regional office. OCR has ten regional offices and each regional office covers specific states. Complaints may also be mailed to OCR Headquarters at the following address:

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U.S. Department of Health and Human Services
200 Independence Avenue, SW.
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Washington, D.C. 20201

To learn more:

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Language assistance services for OCR matters are available and provided free of charge. OCR services are accessible to persons with disabilities.

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