

# **Requesting COVID-19 Accommodations**

a zine by Pan End It!



## About Pan End It!

Pan End It! arose in early 2022 as an outlet for our growing rage at the state negligence and intentional obfuscation of the ongoing COVID-19 pandemic. We are a disabled, ill, and immunocompromised-led group that envisions a world where disabled people everywhere enjoy safety, not just from COVID-19 but also the conditions that enabled this pandemic to wreak the havoc it has. We organize for policies and practices that can reduce the burden of COVID-19 in the lives of the most impacted members of our community, engage in education and outreach, and support our community members in advocating for safe care and access to public life.

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## **Can you ask your doctor to mask?**

COVID-19 is a disease that has disproportionate impact on the lives of disabled people, including those with Long COVID, who are at increased risk of severe illness, death, and disruptions to daily living from an infection with COVID-19 (SARS-CoV-2?). With COVID-19 now generally spreading among communities and a lack of policies in place to prevent the spread of this airborne illnesses in healthcare facilities, many people have found themselves having to request their healthcare providers take measures to reduce their exposure to COVID-19 for the time of their appointments. One way to request these measures is through a request for accommodations under the Americans with Disabilities Act.

*“The Americans with Disabilities Act (ADA) is one of many federal civil rights laws that prohibits discrimination against people with disabilities. Health care providers are required to make reasonable modifications to policies, practices, and procedures to provide equal access to facilities and services to people with disabilities. This may include safe access to medical care for people with disabilities who are high risk for illness during an ongoing pandemic. Requests can be verbal or in writing at the point of care. It is not a requirement that individuals disclose their disability or specifically mention the ADA to be considered a request under the ADA.” - Vermont Center for Independent Living (VCIL)*

## **Some examples of accommodations that can be requested (from VCIL)**

- All staff members they interact with will wear N95 masks
- Private transport with a masked driver (Medicaid or shuttle)
- Replacing in-person appointments with telehealth or video appointments
- Having ambulatory services provide care at home (vaccines, blood draws, infusions, etc.)
- Having outside visits with a PCP
- Receiving masked services in the parking lot (e.g., vaccines, testing)
- Being granted an appointment before the space is open to the general public
- Being granted a private room with a closed door and only masked staff entering (e.g., infusion suite, in-patient, recovery)
- Having staff put a mask on them immediately after surgery
- Doing check in from the car and waiting in the car until they are called into the appointment
- Being given the first appointment of the day with windows open
- Using a non-public back or side entrance
- Being able to bring in a portable HEPA purifier or UV light

- Reserving a standalone half day of masked appointments for just one family (e.g., dental office doing cleanings and fillings for all household members)
- Having a staff member coordinate scheduling (e.g. before masks go away or to reduce number of visits)

The ADA is clear that reasonable requests for accommodations must be granted unless doing so causes undue hardship. Denial without cause is unlawful and so is retaliation for requests and accommodations. Many providers are aware of their obligations under ADA and will make accommodations without issue and those unfamiliar with the law will adhere when reminded of such. However, you may find that even though the ADA has been law since 1990, many providers often do not know their legal obligations under ADA and may need some information on what those are. And, though it is unlawful to do so, it is also not uncommon to have requests denied, to receive poor care or medical notes, or possibly experience retaliation in various forms. There are options to file complaints for denied requests, more information can be found by contacting your regional ADA office and state disability law center. Consider what is best for your situation with regards to ADA requests for accommodations.

**This is not legal advice.**

## **Accommodation Wording Examples:**

1) Hello. I called [DAY] about setting up an appointment and that I'd follow-up with the accommodations needed. I've attached a letter with those accommodations listed. Please let me know if you need additional information. For scheduling an appointment, please respond to this email with availability, if possible. Thank you!

2) Hello. The attached document [ATTACH DOCUMENT] is my formal request for ADA accommodations for my upcoming appointment on [DAY, DATE] at [TIME] am/pm. Please read and review them and get back to me by the end of day [ADD DAY] with any questions or concerns. I'm happy to discuss and clarify any issues. Thanks!

3) Hello. Thank you for the prompt response. I think there's been a misunderstanding. These are reasonable accommodations for attaining services, a right protected by the Americans with Disabilities Act of 1990. It is unlawful to deny services due to disability. This document has more information on ADA rights (this document is from Vermont but the ADA applies nationally), or contact [YOUR REGIONAL ADA OFFICE], or [YOUR STATE PROTECTION AND ADVOCACY AGENCY]. I'm simply trying to access care and I am happy to communicate with your office on how to streamline things to ensure the appointment goes smoothly for everyone. Please let me know how you would like to proceed. Thanks.

## Further Resources (Scan the QR Codes):

VCIL document: ADA Reasonable Accommodations Requests



Contact Your Region/ADA Center



Find Your P&A Agency





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