



DEPARTMENT OF DISABILITIES
Carol Beatty, Secretary

DEPARTMENT OF HEALTH
Robert R. Neall, Secretary

**NOTICE - Access to Support for Patients with Disabilities in Health Care Settings
(September 24, 2020)**

All licensed Maryland hospitals, related institutions, freestanding medical facilities, freestanding ambulatory care facilities, chronic disease centers, hospice care facilities, comprehensive rehabilitation facilities, nursing homes, and assisted living programs (collectively health care providers) shall adopt policies **on or before October 1, 2020** that both comply with applicable U.S. Centers for Disease Control and Prevention (CDC) guidance and State and federal regulations and recognize the rights and needs of individuals with disabilities. **This Notice replaces the Notice to Patients with Disabilities in Hospital Settings from May 11, 2020.**

Such policies shall include, at a minimum:

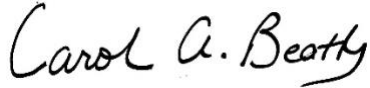
- Provisions authorizing support persons to accompany, visit, and stay with individuals with disabilities during their visits to health care providers.
- Provisions for the designation of support persons who may accompany, visit, and stay with individuals with disabilities during their visits to health care providers.
- Provisions defining a support person as a family member, personal care assistant, similar disability service provider, or other individual knowledgeable about the management or care of the patient who is authorized to assist the patient in making decisions.
- Provisions establishing a process for individuals with disabilities to propose other reasonable accommodations that also comply with the health care's infection control policy.

Health care providers shall also adopt policies regarding communications with families and caregivers of patients with disabilities who do not have a support person present during the patient's visit. Health care providers shall explain these policies to patients' support persons, preferably before the patients arrive at the health care provider.

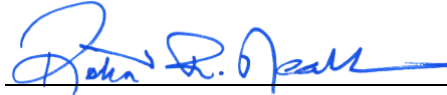
All support persons shall be subject to screening for COVID-19 symptoms upon arrival at the health care provider and periodically during their stay, if appropriate. Persons with COVID-19 symptoms shall not be permitted to serve as a support person and must immediately leave the hospital. In addition, health care providers shall provide appropriate PPE, and all support persons shall be required to don that PPE and comply with health care provider policies regarding use and conservation of that PPE.

All health care providers shall provide a copy of their policies regarding support persons for those with disabilities to all patients and shall post a copy of this notice in an area accessible to all patients. In addition, health care providers shall post a copy of the attached notice regarding remedies for violation of this notice in an area accessible to patients and shall provide a copy to all patients.

Failures to comply with this notice may result in the imposition of sanctions in accordance with applicable regulations.



Carol A. Beatty
Secretary, Department of Disabilities



Robert R. Neall
Secretary, Department of Health



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NOTICE – SUPPORT PERSONS FOR INDIVIDUALS WITH DISABILITIES (SEPTEMBER 24, 2020)

State and federal law prohibits discrimination against individuals based on disability. In addition, the Secretary of Health and the Secretary of the Department of Disabilities require all licensed Maryland hospitals, related institutions, freestanding medical facilities, freestanding ambulatory care facilities, chronic disease centers, hospice care facilities, comprehensive rehabilitation facilities, nursing homes, and assisted living programs (collectively health care providers) to adopt policies allowing support persons for individuals with disabilities to stay with those persons during visits to health care providers (the Access Notice).

If you believe that one of the listed health care providers is violating the Access Notice, you may file a complaint with the Maryland Department of Health's Office of Health Care Quality by following the process described here:

<https://health.maryland.gov/ohcq/Pages/Complaints.aspx>.

If you believe that you are a victim of discrimination because of your disability, you may file a complaint with any of the following:

Effective October 1, 2020, you may file a complaint with MDH's Office of Equal Opportunity, Equal Access Compliance Unit and/or the Maryland Commission on Civil Rights.

Office of Equal Opportunity Programs
Maryland Department of Health
201 W. Preston Street, Suite 422
Baltimore, MD 21201
Phone: 410-767-6600

Fax: 410-333-5337

MD Relay: 711

Email:

Delinda Johnson Blake, Equal Access Compliance Manager at
delinda.blake@maryland.gov

Andrea Gillespie, Equal Access Compliance Officer at
andrea.gillespie@maryland.gov

AND/OR

Maryland Commission on Civil Rights (MCCR)

6 Saint Paul Street, Suite 900

Baltimore, MD 21202

Phone: 800-637-6247 | 410-767-8600

MD Relay: 711

Online: <https://mccr.maryland.gov/Pages/Intake.aspx>

You also may file complaints with the following federal agencies if you believe you have been subject to discrimination by a health care provider:

U.S. Department of Justice (via mail)

Civil Rights Division

950 Pennsylvania Avenue, NW

4CON, 9th Floor

Washington, DC 20530

Online: <https://civilrights.justice.gov/report/>

Fax: (202) 307-1197

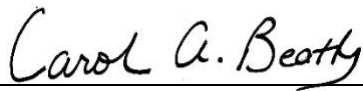
More information on the DOJ complaint process may be found by visiting:

https://www.ada.gov/filing_complaint.htm

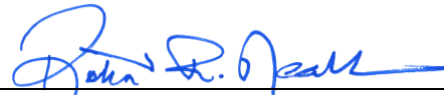
AND/OR

Centralized Case Management Operations
U.S. Department of Health and Human Services (via mail)
200 Independence Avenue, S.W.
Room 509F HHH Bldg.
Washington, D.C. 20201
Email to OCRComplaint@hhs.gov
Online: <https://ocrportal.hhs.gov/ocr/smartscreen/main.jsf>

More information on the HHS complaint process may be found by visiting:
<https://www.hhs.gov/civil-rights/filing-a-complaint/complaint-process/index.html>



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