



## Hospital COVID-19 visitor restrictions must still comply with the ADA

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In the midst of the holiday season, COVID-19 cases and hospitalizations across the country continue to rise rapidly. Although protecting the public from COVID-19 is paramount, policies that restrict visitor access in hospitals and other medical centers must still comply with the requirements of the Americans with Disabilities Act (ADA).

Titles II and III of the ADA, and other state and federal laws, require health care facilities to provide reasonable accommodations to ensure equal access to medical treatment for persons with disabilities. These accommodations can include visitors who provide the patient with necessary support services, including communication support, behavior support, and support managing anxiety and other unique needs. Earlier this year, the U.S. Department of Health and Human Services (HHS) issued a [bulletin](#) reminding health care providers and covered entities not to overlook their obligations under federal civil rights laws during the COVID-19 pandemic. Similarly, the Centers for Disease Control and Prevention (CDC) encourages restricting visitors to reduce COVID-19 spread, but also recognizes that some visitors are essential for patient care.

Individuals who believe they have been denied reasonable accommodations may file complaints with the HHS Office of Civil Rights (OCR). Consequences may include corrective action or impact on federal funding. In June, the [OCR settled a case with a hospital in Connecticut](#) after it received complaints from disability rights organizations alleging that the hospital was failing to provide reasonable modification to its no-visitor policy. The hospital agreed to allow the patient a support person to help with her communication and comprehension during care as part of the settlement.

In sum, when asked by a patient to deviate from standard COVID-19 visitor restriction policies, it is important to avoid blanket

denials. It is equally important to document efforts to understand and accommodate requests when they are tied to a patient's ability to effectively access and receive care. Health care providers should evaluate the reason(s) for the request and engage with the individual to determine how or if reasonable accommodations or modifications to policy can be safely provided when appropriate.

# Authors

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