Summary of Federal Guidelines on Nondiscrimination in Telehealth

*This report from the U.S. Department of Health and Human Services (HHS) and the U.S. Department of Justice (DOJ) clarifies how various federal laws (including the Rehabilitation Act of 1973, the American with Disabilities Act, the Civil Rights Act of 1964, and the Patient Protection and Affordable Care Act) require making telehealth accessible to **people with disabilities** and to people with **limited English proficiency**.*

Protections against discrimination for people with disabilities

- Patients cannot be excluded from participating in telehealth on the basis of their disability
- Providers must make reasonable reasonable changes to their policies, practices, or procedures to accommodate patients with disabilities
- Providers must communicate effectively with people who have communication disabilities, including using communication aids

Potential accommodations may include: Offering patients ***additional time*** before the appointment to become familiar with the telehealth platform, using a platform that allows a ***support person*** to join with the patient or from a third location, using a telehealth platform that support ***real-time captioning***, having a ***sign language interpreter*** or offering a platform that allows an interpreter to join from a third location, ensuring documents sent through the web are ***screen-reader compatible***

Example cases

- A person who is blind or has limited vision may find that the web-based platform their doctor uses for telehealth appointments does not support *screen reader software*.
- A person who is deaf and communicates with a sign language interpreter may find that the video conferencing program their provider uses does not *allow an interpreter to join the appointment from a separate location.*
- A limited English proficient (LEP) person may need *instructions in a language other than English* about how to set up a telehealth appointment.

Protections against discrimination for people with limited English proficiency

- Recipients of *federal financial assistance* must must ensure meaningful access to telehealth for people with limited English proficiency

Potential accommodations may include: Offering language assistance services, both oral (***interpreters***) and written (by providing ***care instructions in the patient's primary language***)

* * *

Statutory language and further examples can be found in the original guidance

For additional resources and information, see HHS's webpage on health equity in telehealth

This project is supported by the Health Resources and Services Administration (HRSA) of the U.S. Department of Health and Human Services (HHS) under grant numbers U1UTH42525 and G01RH32157. This information or content and conclusions are those of the author and should not be construed as the official position or policy of, nor should any endorsements be inferred by HRSA, HHS or the U.S. Government.