

The Americans with Disabilities Act in Dental Settings

What is the other ADA?

The Americans with Disabilities Act (ADA) is a federal civil rights law that protects people with disabilities in several areas including employment, local and state government, community places (stores, hotels, health care facilities, and more), transportation, and telecommunications.

The ADA in Dental Settings

A dental practice is considered a place of public accommodation under Title 3 of the ADA. This requires attention to physical accessibility, making modifications to procedures and practices to accommodate people with disability, and ensuring that communication with a person with disability is “effective” given the nature of the interaction. The U.S. Department of Justice (DOJ) is the federal agency that enforces this part of the ADA.

Accessible Facilities

A dental practice has obligations to provide access in their physical facilities which might include the parking area, the entrance into the building, the waiting room areas, restrooms if they are made available, and examination areas. The DOJ uses the “ADA Standards for Accessible Design” for new construction or when making alterations to facilities. For existing facilities, the DOJ requires that covered entities engage in “readily achievable barrier removal” and address priority areas such as access to the business (parking and entrance), access to services, access to public restrooms; and access to other amenities offered to patients.

Reasonable Modifications

A dental practice has obligations to modify any procedures, policies, or practices to make them accessible to people with disabilities. An example might be that if a person is required to read and sign intake forms but is unable to because of their

disability, the office may offer the accommodation of having a staff member assist the person.

Effective Communication

A dental practice has obligations to make sure their communication is effective depending on the person’s disability. This is accomplished through the provision of auxiliary aids and services. For instance, providing a person who is Deaf with an interpreter would be example of providing an aid or service. According to the DOJ, three things should be considered in determining what is effective: 1) method of communication used by the person, 2) the nature, length, and complexity of the communication, and 3) the context for the communication. The person with a disability should not be charged extra or be expected to cover the expense of the aid or service. This obligation would also be extended if a patient brought a companion (family member, friend) who was participating in their care.

How the ADA Applies to Dental Offices

- Dental offices are “places of public accommodations” under Title 3 of the ADA.
- Dental offices should ensure their facilities are accessible including parking, entrances, waiting Area, restrooms (if offered), and examination rooms.
- Dental offices should be prepared to make reasonable modifications of their policies, practices, and procedures.
- Dental offices should ensure that communication is effective for the patient depending on their disability.

Free ADA Help

The Great Lakes ADA Center is funded through the U.S. Department of Health and Human Services to provide free assistance to organizations with obligations under the ADA. Great Lakes operates a “help” line that is available during business hours. If you need assistance in understanding your responsibilities under the ADA or need suggestions on how to accommodate a person with a disability, this is a free and confidential service.

Free Help: (800) 949-4232

Community Resources

Another useful resource for dental practices is the network of Centers for Independent Living (CILs) in the state. For instance, the League (www.the-league.org) in the Fort Wayne area and accessABILITY (www.abilityindiana.org) in the Indianapolis area. CILs serve several counties in their areas. Staff might be willing to provide an accessibility assessment of an existing facility, provide suggestions for accommodations, or provide information on interpreters and other services for people with disabilities.

Online Resources

Useful Guidance from the Department of Justice:

- ADA Update: A Primer for Small Business
<https://www.ada.gov/regs2010/smallbusiness/smallbusprimer2010.htm>
- Access To Medical Care for Individuals with Mobility
https://www.ada.gov/medcare_mobility_ta/medcare_ta.htm
- Communicating Effectively with People with Disabilities
<https://beta.ada.gov/topics/effective-communication/>

Helpful Publications for the ADA National Network:

- Health Care and the Americans with Disabilities Act
<https://adata.org/factsheet/health-care-and-ada>
- Accessible Medical Examination Tables and Chairs
<https://adata.org/factsheet/accessible-medical-examination-tables-and-chairs>
- Accessible Medical Diagnostic Equipment
<https://adata.org/factsheet/accessible-medical-diagnostic-equipment>
- Effective Communication
<https://adata.org/factsheet/communication>
- Accessible Parking
<https://adata.org/factsheet/parking>