

How to File Administrative Complaints with Federal Agencies about ADA and §504 violations in healthcare services

1. You can discuss a specific incident with a specialist to see if ADA or §504 is implicated:

The Southeast ADA Center has experienced and highly trained specialists available to answer your questions about the Americans with Disabilities Act (ADA)

1. 404-541-9001 (Mon – Fri 9:00 – 5:00 Eastern time)
2. ADA national network 1-800-949-4232 (routed to your ADA center)
3. adasoutheast@syr.edu
4. <https://adasoutheast.org/contact/#getanswers>

Department of Justice ADA Technical Assistance Program

1. ADA Specialistts: 800-514-0301 (voice); 833-610-1264 (TTY)
2. Monday, Tuesday, Wednesday, and Friday from 9:30 a.m. until 5:30 p.m. (Eastern Time) and on Thursday from 12:30 p.m. until 5:30 p.m. (Eastern Time).

2. If you encounter an accessibility or equal service problem with a healthcare provider:
 - a. If possible, BEFORE you go to healthcare provider, let them know of any accessibility need you have – if you call, also follow up in writing (Mychart, email)
 - b. Document the issue: for example, take a picture, write down notes on a piece of paper or in your phone, create a voice memo in phone of what happened.
 - i. Write down dates and times.
 - ii. Was the appt or test or procedure time sensitive?
 - iii. What are the health consequences of the lack of accessibility?
 - iv. Memorialize the emotional distress of the experience.
 - c. Contact the provider and tell them what happened and ask them to remedy the problem.
 - i. **You will get a better response if you put the request in writing.**
 - ii. Write a letter or email (or both) to the provider about everything that went wrong.
 - iii. If you talk on the phone with, or meet with, someone from the provider’s office, FOLLOW UP with a letter or email to:
 1. Confirm what was said in the conversation
 2. Confirm what decisions were made
 3. Confirm who is supposed to do what by when
3. If the provider fails or refuses to remedy the problem and you wish to file an administrative complaint:
 - a. Create a chronology of events in writing
 - i. Hopefully, you documented things when they happened (2b above)

- ii. Dates and times of what happened including meetings with provider
- iii. What happened, why it was important, how it affected you

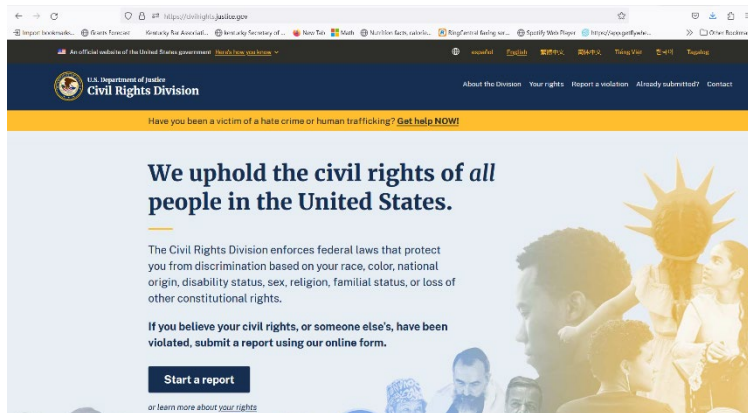
b. Enhance that chronology with evidence

- i. Pictures
- ii. Copies of emails or letters you sent to provider
- iii. Your contemporaneous notes of what happened

4. How to file a complaint with the **U.S. Department of Justice (DOJ)**. The DOJ enforces the Americans with Disabilities Act (ADA)

a. Online Portal of the DOJ's Civil Rights Division <https://civilrights.justice.gov/>

- The online portal receives tens of thousands of complaints
- Only 20 people in the Civil Rights Division are doing ADA cases
- Specifically say in the complaint that you have documents, pictures, evidence to support your claim
- Click "Start a report"



- After clicking "start a report," you'll enter your contact info
- After clicking "next:" Scroll down and click "Discriminated against in a commercial location or public place"
- The next pages will ask the location, the basis (disability), the date, and other details.

a. You can send a complaint directly to your U.S. Attorney's Office.

i. U.S. Attorney's Office for the **Western District of KY (Louisville)**

<https://www.justice.gov/usao-wdky>

Main #: 502-582-5911

Civil Rights Coordinator: Jessica Malloy – 502-779-2765

Send complaints to AUSA Jessica Malloy

717 W. Broadway

Louisville, KY 40202

ii. U.S. Attorney’s Office for the **Eastern District of KY (Lexington)**

<https://www.justice.gov/usao-edky/civil-rights>

Main #: 859-233-2661

Civil Rights Coordinator: Carrie Pond: 859-685-4869

Send complaints to

usakye.civilrights@usdoj.gov

Or to AUSA Carrie Pond

260 W. Vine St, Suite 300

Lexington, KY 40507-1612

5. How to file a complaint with the Office of Civil Rights of the **U.S. Department of Health and Human Services**, which enforces §504 of the Rehabilitation Act of 1973 and §1557 of the Affordable Care Act.

a. U.S. Dept of **Health and Human Services (HHS) Office of Civil Rights (OCR)**

Has jurisdiction to investigate complaints of §504 of the 1973 Rehabilitation Act of 1973, which prohibits discrimination based on disability in programs and activities that receive funding from and federal department or agency (e.g. U.S. Health and Human Services), which includes Medicare and Medicaid reimbursements. For example, publicly owned hospitals, clinics, etc., and those that receive Medicaid and Medicare.

You can file a complaint BOTH with the DOJ and with the OCR of HHS.

b. The online portal of the Office of Civil Rights for Health and Human Services:

<https://ocrportal.hhs.gov/ocr/smartscreen/main.jsf>

i. **The violation must have happened in the last 180 days (6 months).**

ii. After you click “next,” you will move through a series of pages asking what the complaint is about and you will click “NO” UNTIL you get to:

Question 10: “Do you believe that any other healthcare provider...” and click “YES” on this one, and then “Next.”

iii. Then you choose “Civil Rights” and “next”

iv. Proceed to fill in the relevant facts on the subsequent pages.