

Compliance with the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973 and Section 1557 of the Patient Protection and Affordable Care Act (Public Facing)

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Approvals

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Policy : Compliance with the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973 and Section 1557 of the Patient Protection and Affordable Care Act (Public Facing)

Policy/Summary Intent

To establish Overlake Medical Center & Clinics ("Overlake") guidance regarding how the organization ensure that Overlake does not discriminate against any patients, companions or visitors.

Definitions

Americans with Disabilities Act (ADA) - A federal civil rights law enacted in 1990 that prohibits discrimination against people with disabilities in areas like employment, government services, public accommodations, transportation, and telecommunications. Its goal is to ensure that individuals with disabilities have the same opportunities and access to everyday life as everyone else, requiring things like reasonable accommodations in the workplace and accessibility in public spaces.

Auxiliary Aids - includes, but is not limited to, Qualified Interpreters provided either on-site or through VRI services; note takers; real-time computer-aided transcription services; written materials; exchange of written notes; telephone handset amplifiers; assistive listening devices; assistive listening systems; telephones compatible with hearing aids; closed caption decoders; open and closed captioning, including real-time captioning; voice, text, and video-based telecommunications products and systems, including text telephones, videophones, and captioned telephones, or equally effective telecommunications devices; videotext displays; accessible electronic and information technology; or other effective methods of making aurally delivered information available to individuals who are deaf, deaf-blind, blind, low vision or hard of hearing.

Companion - a person who is a family member, friend, or associate of an individual seeking access to, or participating in, the healthcare related goods, services, facilities, privileges, advantages, or accommodations of MHS, who, along with such individual, is an appropriate person with whom the public accommodation should communicate.

Language Assistance Services - oral and written language services needed to assist LEP individuals to communicate effectively with staff, and to provide LEP individuals with meaningful access to, and an equal opportunity to participate fully in MHS services and programs.

Limited English Proficiency (LEP) - describes an individual who is not fluent in English, with limited ability to read, speak, write, or understand the language, often because English is not their primary language.

Patient - any individual who is seeking access to, or participating in, the healthcare related goods, services, facilities, privileges, advantages, or accommodations of MHS, whether as an inpatient or an outpatient.

Qualified Interpreter - an interpreter who, via VRI service or an on-site appearance, is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified Interpreters include sign language interpreters, tactile interpreters, oral transliterators, and cued-language transliterators. Qualified Interpreters must be knowledgeable with medical terminology.

Workforce Members - credentialed providers, students, contractors, volunteers, vendors, members of the Boards of Trustees, and any others working under the auspices of the Overlake brand, whether they are paid by or under the direct control of the facility, and employees of allied organizations.

Affected Departments/Services

This policy applies to the entities of Overlake and all Workforce Members.

Policy

Overlake does not unlawfully discriminate against patients, companions, or visitors. Overlake does not exclude or treat anyone differently on the basis of age, race, national origin, ethnicity, immigration status, religion, culture, language, physical or mental disability, sex, sexual orientation, and gender identity, citizenship, immigration status, military status, or any other basis prohibited by state or federal law in care and treatment or participation in its programs, services, activities or employment.

Overlake complies with the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973 and its implementing regulations, and Section 1557 of the Patient Protection and Affordable Care Act and its implementing regulations in making its services and facilities accessible. As part of these accessibility efforts, Overlake:

- Provides appropriate auxiliary aids to persons with impaired sensory, manual, or speaking skills, where necessary to afford such persons an equal opportunity to benefit from the service in question;
- Permits the use of service animals in accordance with the law;
- Makes its facilities accessible to those with mobility impairments in accordance with the law; and
- Provides free language assistance services to deaf, blind, deaf/blind, low-vision, hearing impaired individuals and those with limited English proficiency.

Assistance for Patients

- A. Health care is provided in a non-discriminatory manner.
- B. All patients, companions, and visitors are treated in a non-discriminatory manner.
- C. For patients, companions, or visitors with disabilities and/or limited English Proficiency (LEP), the following accommodations are available to make services and facilities accessible and facilitate effective communication:
 1. Persons Who Are Deaf, Blind, Deaf-Blind or Low Vision or Hearing-Impaired
 - a. Persons who are deaf, blind, deaf-blind, low vision or hearing impaired may ask for assistance in navigating the Overlake facility. Overlake Workforce Members can inform persons who are deaf, blind, deaf-blind, low vision or hearing impaired about the availability of assistive devices. Overlake must make reasonable efforts to use the patients preferred accommodation.
 - b. Certain print materials are available in alternate formats (e.g., Braille, large print, audio recording, or orally).
 - c. Health information is uploaded to electronic medical records and the Overlake patient portal in a format that is compatible with text to speech devices.
 - d. Patient requests for clinical documents containing patient-specific information related to the patient's care that are in a format that cannot be converted to text to speech are fulfilled by transcribing the patient-specific information into a templated form and saving it into a PDF that converts the information to a text to speech format.
 - e. Consent forms are read aloud by staff and/or relayed through professional interpreters to patients as needed.
 2. Persons Who Are Deaf, Blind, Deaf-Blind, Low-Vision or Hearing-Impaired
 - a. Overlake provides auxiliary aids and/or qualified interpreters when interpretive services are necessary to ensure effective communication with patients who are deaf, blind, deaf-blind, low-vision or hearing-impaired at no cost to the patient or companion.
 3. Persons Accompanied by Service Animals
 - a. A dog or miniature horse that has been individually trained to do work or perform tasks for the benefit of an individual with a disability (a "service animal") may accompany a patient, companion or visitor with a disability in Overlake facilities. A service animal must be under the control of its handler. A person with a disability will be asked to remove a service animal from the premises if the service animal is out of control and its owner does not take effective action to control it, or the service animal is not housebroken.
 4. Persons with Mobility Issues
 - a. Actions Overlake has taken to address accessibility for those with mobility impairments include:
 - i. Removing architectural barriers from facilities, where it is readily achievable to do so;
 - ii. Ensuring that all newly constructed medical centers, hospitals and other facilities comply with ADA requirements; and

- iii. Providing accessible parking.
- 5. Persons with Limited English Proficiency (LEP)
 - a. Overlake takes reasonable steps to provide meaningful access to persons with LEP in accordance with ADA requirements.
- 6. Reasonable Modification Requests
 - a. Overlake will consider all reasonable modification requests for access to Overlake programs, activities, services or benefits. Documentation to support reasonable modification requests will be maintained and shall include the following:
 - i. Date reasonable modification request made
 - ii. Description of the reasonable modification requested
 - iii. Supporting documentation for reasonable modification request (if provided)
 - iv. Date of interactive communication of regarding request
 - v. Date of approval (if approved)
 - vi. If denied, date of denial, reason for denial and other alternatives offered and patient's preferred choice

Complaint/Grievance Procedure

Overlake prohibits retaliation against any patient, companion, or visitor because they opposed or complained about discrimination in good faith, filed a grievance, or participated in a discrimination charge or other proceeding under federal, state, or local anti-discrimination law.

- A. Complaints may be submitted at any time, though the earlier you submit a complaint, the earlier Overlake can address your concerns.
- B. You may file a complaint through one or multiple of the following means:

Email: OCRM@overlakehospital.org **Integrity Line:** 877-683-7525

Integrity Portal: integrity.overlake.ethicspoint.com

Mail: Overlake Medical Center & Clinics

Attn: Office of Compliance & Risk Management

1035 116th Ave NE

Bellevue, WA 98004

- C. The Office of Compliance & Risk Management will conduct a thorough investigation of each complaint received. The Office of Compliance & Risk Management will issue a written response within thirty (30) days after receipt of the complaint. If additional investigation time is required to complete a thorough investigation, the patient will be notified of this need for additional time in a written response that is issued no later than thirty (30) days after receipt of the complaint.
- D. The person filing the complaint may appeal the decision of the Office of Compliance & Risk Management and the complaint will be reviewed by the Section 504 and Section 1557 Coordinator directly. The Coordinator shall issue a written decision in response to the appeal, within thirty (30) days.
- E. The availability and use of this procedure does not prevent a person from filing a complaint of discrimination with the U.S. Department of Health and Human Services, Office for Civil Rights electronically through the Office for Civil Rights Complaint Portal, available at <https://ocrportal.hhs.gov/ocr/smartscreen/main.jsf>, or by mail, phone or email at:

U.S. Department of Health and Human Services 200 Independence Avenue, SW Room
509F, HHH Building

Washington, D.C. 20201

1-800-368-1019, 800-537-7697 (TDD)

OCRComplaint@hhs.gov

Or with the U.S. Department of Justice Civil Rights Division through the Complaint Portal, available at <https://www.ada.gov/file-a-complaint/> or by mail:

U.S. Department of Justice Civil Rights Division

950 Pennsylvania Avenue, NW Washington, D.C. 20530

1-800-514-0301 (voice) or 1-833-610-1264 (TTY)

[ada.gov](https://www.ada.gov)

Related Policies

- Patient Nondiscrimination Policy
- Service Animals Policy
- Patient Complaint & Grievance Process & Policy
- Language Assistance Services and Auxiliary Aids: Services for Persons with Limited English Proficiency (LEP) and/or Disabilities

References

The Americans with Disabilities Act of 1990 (ADA), 42 USC §§ 12101 et seq. Washington Law Against Discrimination, Ch. RCW 49.60.030

Washington State Human Rights Commission regulations, Ch. 16226 WAC ADA Title III regulations, 28 CFR §§36.301 et seq.

Section 1557 of the Patient Protection and Affordable Care Act (42 U.S.C. 18116) Section 504 of the Rehabilitation Act of 1973

Keywords

Discrimination, service animal, non-discrimination, nondiscrimination, complaint, human rights, equality, deaf, blind, hearing impaired

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	Service Animals		
	Patient Complaint & Grievance Process and Policy		
	Language Assistance Services and Auxiliary Aids: Services for Persons with Limited English Proficiency (LEP) and/or Disabilities		
	https://ocrportal.hhs.gov/ocr/smartscreen/main.jsf		
Other Documents: (WHICH REFERENCE THIS DOCUMENT)	integrity.overlake.ethicspoint.com		
	Patient Nondiscrimination		

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