



ADA Audio Conference Series January 15, 2019 Accommodating Students with Disabilities Enrolled in Medical and Health Science Programs

This session is scheduled to begin at
2:00pm Eastern Time

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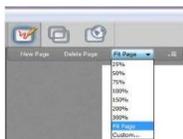


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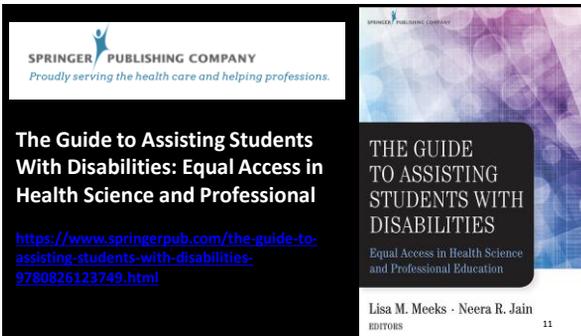


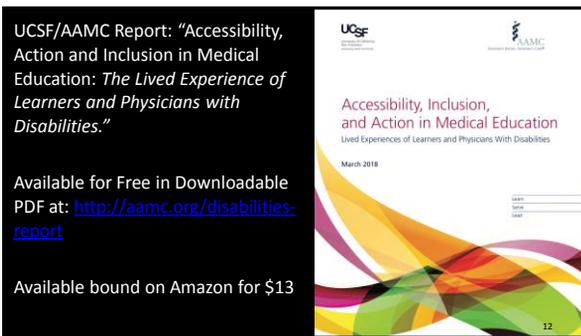
Accommodating Students with Disabilities Enrolled in Medical and Health Science Programs

Lisa M. Meeks, PhD, MA
 Assistant Professor of Family Medicine
 The University of Michigan Medical School
 President, The Coalition for Disability Access In Health Science
 and Medical Education www.hsmcoalition.org

Acknowledgements

- Parts of this PPT were developed for trainings in partnership with
 - Elisa Laird Metke, JD (Samuel Merritt University)
 - Dr. Jan Serrantino (Meeks and Company Consulting)
- Figures used are adapted from the Springer text *The Guide to Assisting Students with Disabilities: Equal Access in Health Science and Professional Education* and the UCSF/AAMC Report: *“Accessibility, Action and Inclusion in Medical Education: The Lived Experience of Learners and Physicians with Disabilities.”*





Learning Objectives:

Participants will be able to:

- Describe the federal mandates that guide reasonable accommodation decisions in health science programs;
- Recite the process for determining accommodations in Health Science Programs;
- Assess issues of undue burden and fundamental alterations to programs;
- Give examples of best practice and national norms for attendance related accommodations, academic and programmatic adjustments, and modifications at a clinical setting.

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Objective #1

DESCRIBE THE FEDERAL MANDATES THAT GUIDE REASONABLE ACCOMMODATION DECISIONS IN HEALTH SCIENCE PROGRAMS

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The ADA and Section 504

- The ADA is a civil rights law that prohibits discrimination based on disability.
- requires covered employers to provide reasonable accommodations to employees and imposes accessibility requirements on public accommodations.
- 2008 Amended to broaden the definition of disability
- Section 504 of the Rehabilitation Act
- Both public and private colleges and universities supported by federal grants and funding programs must comply with Section 504.
- Higher education institutions are required to make their programs accessible to qualified students with disabilities, much of which is accomplished through accommodations or structural changes

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Objective #2

RECITE THE PROCESS FOR DETERMINING ACCOMMODATIONS IN HEALTH SCIENCE PROGRAMS

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Two Questions

Is there a disability?

If yes, what accommodations may be appropriate given the essential functions of the program?

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Interactive Process

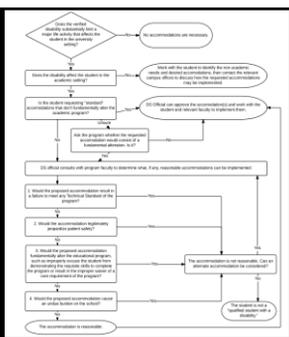
Image: Steps in the Interactive Process UCSF/AAMC report 2018.

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Flow Chart 3.1 Determining Appropriate Accommodations

The Guide to Assisting Students With Disabilities: Equal Access in Health Science and Professional Education, p. 45.



Does the
verified disability
substantially limit a
major life activity that
affects the student in
the university
setting?

Does the disability affect the student in the
academic setting?

Is the student requesting “standard” accommodations that don’t fundamentally alter the academic program?

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Two Types of Accommodations



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If the accommodations requested are not “standard,” there are four questions to ask...

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1. Would the proposed accommodation result in a failure to meet any Technical Standard of the program?

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Careful creation of technical standards

- The ADA regulations say that schools *“shall not impose or apply eligibility criteria that screen out or tend to screen out an individual with a disability or any class of individuals with disabilities...unless such criteria can be shown to be necessary for the provision of the service, program, or activity being offered.”*
- This means that a school’s technical standards must focus on the *skill required*.
- Example: “Ability to detect a heartbeat” vs. “Ability to **hear** a heartbeat”

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Disseminating Technical Standards

- Include technical standards on website and as part of the admissions information
 - potential students should be made aware of the technical standards prior to applying for a program.
 - Once admission is offered, programs should again provide a copy of the technical standards, and ask all admitted students to sign a statement attesting that they can meet the standards, with or without reasonable accommodations.

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2. Would the accommodation *legitimately* jeopardize patient safety?

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Patient Safety

A disability accommodation is not required where it poses a direct threat to the health or safety of others.

42 U.S.C. § 12182(b)(3).

BUT...

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Patient Safety

A school “must ensure that its safety requirements are based on actual risks, not on mere speculation, stereotypes, or generalizations about individuals with disabilities.”

28 C.F.R. 35.130(h).

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Patient Safety

"In determining whether an individual poses a direct threat to the health or safety of others, a [school] must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk." 28 CFR 36.208.

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Patient Safety Summary

Patient safety concerns must be:

- evaluated on an individual basis
- objective
- the risks must be very bad and very likely, and
- there must be no suitable accommodations.

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Patient Safety Evaluation Tips

- Ask yourself:
 - How would we assess safety risk for a student without a disability?
 - How would OCR/court view this?
- Schools may only evaluate whether a student is meeting the school's own requirements—not what a future workplace may require.
- Keep it performance based!

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Remember

- Alternate methods of providing care can be just as safe, even if different from the traditional ways.
- Alternate ways of providing care are regularly practiced in the “real world.”
- Disability accommodations will be required in the workplace, as well as in school.

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Objective #3

Assess issues of undue burden and fundamental alterations to programs

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3. Would the accommodation fundamentally alter the educational program?

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Fundamental Alteration?

Look at the syllabus and BE Clear.

- What is being taught/measured?
- What is the essential learning?
 - Example: Are you measuring *skill, time to completion, professionalism, clinical knowledge, all of the above?*
- Is it truly essential or simply historical?
- Can mastery of the material be demonstrated in another way?

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Exemplar Examples of Syllabi

- <https://www.westernu.edu/osteopathic/osteopathic-departments/clinical-ed/>

Purpose of the Rotation

- The purpose of this rotation is to provide the student with a solid foundation in the diagnosis and management of common obstetric and gynecologic conditions as well as health care maintenance and disease prevention for women, regardless of what specialty the student may eventually pursue. In addition, the rotation should expose the student to the full breadth of the clinical specialty of Ob-Gyn so that any student specifically interested in Women's Health will be better prepared to decide if they want to pursue post graduate training in Obstetrics and Gynecology.

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Syllabus Ob/Gyn Clerkship

Recommended Procedures to do:

- Admission H&P (Obstetrical and Gynecological)
- Progress Notes for inpatient and outpatient settings
- Breast exam and teach breast self-exam
- Pelvic Exam with cultures and PAP smear
- Wet mount preparation and interpretation
- Ob exam (fundal height, FHT's Leopold's)
- Follow Ob patient from admission to delivery
- Assess fetal monitor strip
- Cervical Exam in labor
- *Scrub in to:*

- Laparoscopy
- Abdominal Hysterectomy
- Vaginal hysterectomy/repair @ NSVD
- C-Section
- Bilateral Tubal Ligation

Recommended Procedures to do or see:

- Colposcopy with or without cervical biopsy/ endometrial biopsy/cryotherapy/LEEP
- Sterile speculum exam
- Repair of episiotomy or laceration
- Vacuum or forceps delivery
- Place FECG, IUPC
- AROM
- OB ultrasound

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4. Would the proposed accommodation cause an undue burden on the school?

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An Undue Burden?

Argenyi v. Creighton (2013) (CART and interpreters):

- \$200K not “burdensome”

Featherstone v. Pacific Northwest University (2014) (CART and interpreters):

- Med school was just one year old—court said not an undue burden to provide interpreters
- Claim of no available interpreters in Yakima was deemed “incredulous”

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An Undue Burden?

Searls v. Johns Hopkins (2016) (interpreter for newly hired nurse):

- Salary of interpreter would be more than the nurse was paid— court said not an undue burden to provide interpreter
- Looked at entire operating budget for JHH (\$1.7 Billion)

Ability to pay for accommodations typically factors in:

- Endowments
- Entire university budget
- Sports revenue

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Objective #4

Give examples of best practice and national norms for attendance related accommodations, academic and programmatic adjustments, and modifications at a clinical setting

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Attendance and Academic/Program Adjustments

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Time and Location

- Absences*
 - Generally speaking, students must be able to attend all clinical activities*
 - Simulation Exercises
 - Clerkships/Practicum
 - Small groups activities
 - Anatomy lab
 - Leave* (standard)
 - Long-term (1 year) vs. short-term (1 clerkship/rotation)
 - Breaks/Release
 - Release from clinic to attend appointments
 - Breaks during the day
 - Hard stop at night (10 PM)
 - Overnight call release
 - Scheduling
 - Location of clerkships/field placements/clinical assignments
 - Order of clerkships/clinicals
 - Reduced patient load
 - Decompressed clinical or academic schedule
 - Extra Time*
 - Course exams, online exams, quizzes
 - Practical Exams, OSCE's
 - Standardized patient encounters
 - Simulations or procedure labs
- *Each case must be evaluated independently

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Example Case

- A nursing student has a flare of symptoms in the 5th week of a 6-week med/surg rotation. He is unable to finish the final week as he needs to seek care and stabilize his medication. The nursing programs first instinct is to fail the student. The policy states that students may only miss two clinical days in any rotation.

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Determining Reasonable Absences

- What are the core competencies of the course? Procedural skill checklists? Hour mandates?
- Where is the student on these measures?
- Students who have completed or nearly completed objectives may be able to miss more time than dictated by policy—policy can be adjusted if reasonable.

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Assistive Technology

You cannot offer that which you do not know....

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Modifications at a Clinical Setting

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Mobility



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Visual Enhancement

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Visual Enhancement

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Visual/Physical Enhancement

Welch Allyn
iExaminer Adapter for the PanOptic
Ophthalmoscope

cellscope

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Color Vision Deficiency

Chromatic Vision Simulator
by Kanunori Asada (Free App)
The "Chromatic Vision Simulator" is a program simulation tool. It makes a color simulation of each color based on the hue, saturation and intensity, and the color also with a specific type of color vision deficiency's viewing the world and this is real-time.

Type: iOS/iPadOS

Colorblind Vision
by opcoders.com
Whether you're color blind or not, you need software that simulates. This app simulates the most common color vision deficiencies. It's all in one place, and search the app and look at the results of your search through our iPhone. The app simulates how red and green color blindness appears and it's free.

Type: iOS/iPadOS

Chromatic Glass
by Kanunori Asada (Free App)
"Chromatic Glass" guides the user through the program so that each color is not visible depending on the type of color deficiency or color blindness. It allows a person and the ability of color segments to use the tool to help help correct deficiencies.

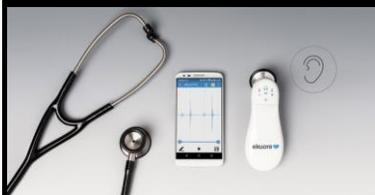


High resolution grey scale photos
Microscopes with high level grey scale
Identify by number not color
Do not place color (red/blue) in

Text to Speech



Deaf Hard of Hearing



Attention/Stimulation



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Resources

SOCIETY OF HEALTHCARE PROFESSIONALS WITH DISABILITIES



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Questions?

You may type and submit questions in the Chat Area Text Box or press Control-M and enter text in the Chat Area

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Next Webinar



February 19, 2019

The ADA, Businesses and Barrier Removal:
What are the Requirements?

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