



Access to Reproductive Health Care for Parents and Prospective Parents with Disabilities

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What disability rights laws protect parents with disabilities when accessing reproductive health care?

Both the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act protect the rights of parents and prospective parents with disabilities when accessing reproductive health care.

- Title II of the ADA covers state and local (e.g. county, city and town) governments and their agencies, including public hospitals and clinics.
- Title III of the ADA applies to privately owned businesses that are open to the public, such as doctors' offices, clinics, and hospitals.
- Section 504 of the Rehabilitation Act covers agencies and organizations that receive federal funding, such as health care providers who receive Medicaid or Medicare.

What is reproductive health care?

- Reproductive health care includes health care received before, during, and after having a baby.
- It includes prenatal care, infertility care, and family planning services such as birth control.
- Reproductive health care also includes treatment for reproductive tract infections and sexually transmitted infections, Pap smear tests, mammograms, and much more.

Who is protected under the ADA and Section 504 of the Rehabilitation Act?

The ADA and Section 504 of the Rehabilitation Act protect people if they have a physical or mental impairment that substantially limits one or more major life activities.

Protections for Parents with Disabilities Under the ADA and Section 504 of the Rehabilitation Act

Title II of the ADA

State and Local Governments



Public Schools



Courts



Attorneys' Offices



Sporting Venues



Public Transportation



Public Hospitals



Restaurants



Private Hospitals & Clinics

Section 504 of the Rehabilitation Act

Agencies and Organizations That Receive Federal Funding



Hospitals



Universities



Child Welfare Agencies

Examples of physical or mental impairments include: cerebral palsy, intellectual disabilities, muscular dystrophy, diabetes, cancer, HIV, epilepsy, schizophrenia, bipolar disorder, heart disease, blind or low vision, and Deaf or hard of hearing.

Examples of major life activities include: caring for oneself, working, reading, learning, walking, hearing, and seeing.

Definition of Disability under the ADA and Section 504

- Physical or mental condition that substantially limits ≥ 1 major life activity
- Record of disability
- Being perceived as disabled



The ADA and Section 504 of Rehabilitation Act also protect people who have a record of having an impairment. For instance, reproductive health care providers can't discriminate against someone who had cancer but is now in remission. They do not have a disability now but because of their history they are being treated like it.

Lastly, the ADA and Section 504 of Rehabilitation Act also protect people who have are regarded as having an impairment. For example, reproductive health care providers can't discriminate against someone they have burns on their face. The burns are not a disability if they don't affect their ability to do things. However, they are still being treated differently

Requirements of the ADA and Section 504



Nondiscrimination



Integration



Equal Opportunity



Reasonable Modifications



Effective Communication



Accessibility and Usability

What are my rights as a parent or prospective parent with a disability?

- Reproductive health care providers cannot refuse to serve you or treat you differently because of your disability.
- You are entitled to an equal opportunity to participate in programs and services for which you are qualified.
- You are entitled to reasonable modifications to policies and procedures, such as assistance in getting onto an examination table.
- You are entitled to equally effective communication including any needed auxiliary aids and services, such as sign language interpreters, captioning, videophones, readers, Braille, and audio recordings.
- Most hospitals, clinics, and doctors' offices should be fully accessible to people with disabilities, and all new buildings must be completely accessible.

What are examples of disability discrimination against parents or prospective parents with disabilities?

- Hospitals, clinics, and doctors' offices that are not wheelchair accessible.
- Not providing a sign language interpreter, computer assisted real-time transcription (CART) services, or documents in Braille. Communication should be accessible at all times, including during exams, labor and delivery, and hospital stays.
- Not providing a reasonable modification, such as physical assistance during exams.
- Refusing to let a person with a disability bring their service animal inside.
- Not providing a service to a person because of their disability.
- Inaccessible exam tables.

What should I do if I believe my rights were violated?

Contact an attorney. Each state has a Protection and Advocacy organization that provides free legal assistance to people with disabilities.

Parents and prospective parents with disabilities can also file a complaint to the U.S. Department of Justice and the U.S. Department of Health and Human Services. Some states also have agencies that can investigate discrimination complaints.

There are strict deadlines for filing complaints. **It's essential to act quickly to protect your rights!**

Getting Help When You Are Being Discriminated Against



Contact a Lawyer



Contact Your State's Protection and Advocacy Organization



Contact the U.S. Department of Justice or the U.S. Department of Health and Human Services