



## MONTANA STATE HOSPITAL POLICY AND PROCEDURE

### PATIENT AMERICANS WITH DISABILITIES ACT (ADA) ACCOMMODATIONS

**Effective Date:** October 18, 2016

**Policy:** HR-25

**Page 1 of 3**

- I. PURPOSE:** To outline the policy and process to be used by hospital staff to assess a patient's abilities and the steps to take to engage a patient's need for an accommodation pursuant to the Americans with Disabilities Act (ADA) in the provision of treatment for patients at Montana State Hospital (MSH).

To outline the policy and process to be used by hospital staff to assess a patient's abilities and the steps to take to assess a patient's need for an ADA accommodation.

- II. POLICY:** Possible need for an ADA accommodation is assessed upon a patient's admission to MSH and on a continuing basis while the patient remains at MSH. Such assessment is based on the patient's history, observation, and knowledge of the patient's disability. When a possible need for an ADA accommodation is identified, staff shall initiate an interactive dialogue with the patient. If the patient is unable to engage in an interactive dialogue, staff shall engage in an interactive dialogue with the patient's designated representative. Staff may recommend a reasonable accommodation to assist the patient with a disability. Examples of reasonable accommodations include providing the patient with devices or services to aid hearing, speaking/communicating, seeing, walking, physically accessing services, or authorizing the use of service animals.

**III. DEFINITIONS:**

- A. **ADA Disability:** A disability that substantially limits a patient in one or more major life activities including, but not limited to, thinking, walking, talking, seeing, breathing, or hearing.
- B. **Interactive Dialogue:** A discussion with a patient with a disability, or his/her designated representative, regarding the patient's possible need for an accommodation in order to assist the patient in the provision of treatment at MSH.
- C. **Service Animal:** A guide dog, signal dog or other animal trained to work or perform tasks for the benefit of a patient with a disability. Examples include:
- Guiding a patient with a vision impairment.
  - Alerting a patient with a hearing impairment.
  - Assisting a patient with mobility needs.
  - Providing psychiatric services for a patient.

**IV. RESPONSIBILITIES:**

- A. Program Managers, Treatment Team Members, Social Workers, and Providers shall be an integral part of addressing patient needs for ADA accommodations.
- B. Supervisors will ensure their employees are in compliance with this policy.
- C. A patient approved to have a service animal will complete and sign the Service Animal Agreement attached.

**V. PROCEDURE:**

- A. Each patient admission shall be assessed for a possible need for an accommodation of a disability, if known. (In some cases a disability may be apparent and can be assessed on admission).**
- B. A patient's known disability on admission shall be referred to the patient's treatment team for review and recommendation of a possible need for an accommodation.
- C. A recommended accommodation for a patient will be referred to the Human Resources/EEO Officer of MSH who will review the recommended accommodation and approve or deny the accommodation.
- D. An approved accommodation will be implemented by the patient's treatment team.
- E. If a patient requests the use of a service animal, the patient will provide MSH with verification of the need for a service animal.
- F. A recommended accommodation for a patient's use of a service animal requires notification of the treatment unit personnel for review and input.
- G. If a patient is approved to have a service animal, the patient will complete and sign the Service Animal Agreement.
- H. **PATIENT ACCOMMODATION APPEAL:** In the event a patient or designated representative of a patient believes an accommodation is not appropriate or does not meet the needs of the patient, an appeal may be made through the patient grievance process or pursuant to the Department of Public Health and Human Services [Equal Opportunity, Nondiscrimination, and Harassment Prevention Policy](#).

In addition to, or in lieu of, filing a complaint of unlawful discrimination or retaliation under this complaint process, individuals may file a complaint with an applicable state or federal agency. Jurisdiction may vary based on the nature of the complaint. For advice, assistance and an explanation of filing deadlines, individuals may contact the following:

## Montana State Hospital Policy and Procedure

- Montana Human Rights Bureau (HRB) – 33 South Last Chance Gulch, Suite 2B, P.O. Box 1728, Helena, MT 59624-1728, (406) 444-2884, (800) 542-0807; Fax (406) 443-3234; TTY (406) 444-0532, [montanadiscrimination.com](http://montanadiscrimination.com); or
- United States Equal Employment Opportunity Commission (EEOC) – Federal Office Building, 909 First Avenue, Suite 400, Seattle, WA 98104-1061, (800) 669-4000; Fax (206) 220-6911; TTY (800) 669-6820, <http://www.eeoc.gov>; or
- Office for Civil Rights (OCR), U.S. Department of Health and Human Services – 1961 Stout Street, Room 08-148, Denver, CO 80294, Voice Phone (800) 368-1019; Fax (202) 619-3818; TDD (800) 537-7697, <http://www.hhs.gov>.

- VI. REFERENCES:** Section 504 of the Americans with Disabilities Act, as amended.
- VII. IN COLLABORATION WITH:** MSH Hospital Administrator, Medical Director, Director of Nursing, Director of Clinical Services, and Human Resources Director.
- VIII. RESCISSIONS:** None, new policy.
- IX. DISTRIBUTION:** All hospital policy manuals.
- X. ANNUAL REVIEW AND AUTHORIZATION:** This policy is subject to annual review and authorization for use by either the Administrator or the Medical Director with written documentation of the review per Administrative Rule of Montana 37.106.330.
- XI. FOLLOW-UP RESPONSIBILITY:** Director of Human Resources.
- XII. ATTACHMENTS:** For internal use only.
- A. Service Animal Agreement.

Signatures:

Jay Pottenger  
Montana State Hospital Administrator

Todd Thun  
Director of Human Resources