



DEPARTMENT OF DISABILITIES  
Carol Beatty, Secretary  
DEPARTMENT OF HEALTH  
Robert R. Neall, Secretary

## NOTICE – SUPPORT PERSONS FOR INDIVIDUALS WITH DISABILITIES (SEPTEMBER 24, 2020)

State and federal law prohibits discrimination against individuals based on disability. In addition, the Secretary of Health and the Secretary of the Department of Disabilities require all licensed Maryland hospitals, related institutions, freestanding medical facilities, freestanding ambulatory care facilities, chronic disease centers, hospice care facilities, comprehensive rehabilitation facilities, nursing homes, and assisted living programs (collectively health care providers) to adopt policies allowing support persons for individuals with disabilities to stay with those persons during visits to health care providers (the Access Notice).

If you believe that one of the listed health care providers is violating the Access Notice, you may file a complaint with the Maryland Department of Health's Office of Health Care Quality by following the process described here: <https://health.maryland.gov/ohcq/Pages/Complaints.aspx>.

If you believe that you are a victim of discrimination because of your disability, you may file a complaint with any of the following:

Effective October 1, 2020, you may file a complaint with MDH's Office of Equal Opportunity, Equal Access Compliance Unit and/or the Maryland Commission on Civil Rights.

Office of Equal Opportunity Programs  
Maryland Department of Health  
201 W. Preston Street, Suite 422  
Baltimore, MD 21201  
Phone: 410-767-6600  
Fax: 410-333-5337

MD Relay: 711

Email:

Delinda Johnson Blake, Equal Access Compliance Manager at [delinda.blake@maryland.gov](mailto:delinda.blake@maryland.gov)

Andrea Gillespie, Equal Access Compliance Officer at [andrea.gillespie@maryland.gov](mailto:andrea.gillespie@maryland.gov)

### AND/OR

Maryland Commission on Civil Rights (MCCR)  
6 Saint Paul Street, Suite 900  
Baltimore, MD 21202  
Phone: 800-637-6247 | 410-767-8600  
MD Relay: 711  
Online: <https://mccr.maryland.gov/Pages/Intake.aspx>

You also may file complaints with the following federal agencies if you believe you have been subject to discrimination by a health care provider:

U.S. Department of Justice (via mail) Civil Rights Division 950 Pennsylvania Avenue, NW 4CON, 9th Floor  
Washington, DC 20530

Online: <https://civilrights.justice.gov/report/>

Fax: (202) 307-1197

More information on the DOJ complaint process may be found by visiting: [https://www.ada.gov/filing\\_complaint.html](https://www.ada.gov/filing_complaint.html)

### AND/OR

Centralized Case Management Operations U.S. Department of Health and Human Services (via mail) 200 Independence Avenue, S.W.  
Room 509F HHH Bldg. Washington, D.C. 20201

Email to [OCRCComplaint@hhs.gov](mailto:OCRCComplaint@hhs.gov)

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

More information on the HHS complaint process may be found by visiting:

<https://www.hhs.gov/civil-rights/filing-a-complaint/complaint-process/index.html>

Carol A. Beatty  
Secretary, Department of Disabilities

Robert R. Neall  
Secretary, Department of Health



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# ACCESS TO SUPPORT FOR PATIENTS WITH DISABILITIES

## Policy Overview

In compliance with applicable infection control standards, Holy Cross Health will take all reasonable steps to ensure meaningful access to and an equal opportunity to participate in its services for patients with disabilities and their support persons, including during a declared public health emergency. This policy sets forth a process for individuals with disabilities and their support persons to propose reasonable accommodations as well as the associated grievance process if concerns about reasonable accommodations arise. This policy also explains standards for communications with families and caregivers of patients with disabilities who do not have a support person at the bedside.

## Definitions

### Disability

Consistent with the terms defined in the Americans with Disabilities Act and the Americans with Disabilities Act Amendments Act, the term "disability" means, with respect to an individual, a) a physical or mental impairment that substantially limits one or more major life activity of such individual, b) a record of such an impairment, or c) being regarded as having such an impairment. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active. The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures, including, but not limited to, medication and equipment. Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestion, the brain, and reproduction.

### Patient in need of support

This policy defines a patient in need of support broadly as a patient for whom a reasonable accommodation or the participation of a support person is clinically indicated, such as when the reasonable accommodation or the participation of the support person would improve the care or treatment of the patient within the professional judgment of the patient's provider. Such patients may include, but are not limited to, patients with intellectual or developmental disabilities, patients with physical disabilities or limitations, and patients with neurocognitive disorders.

### Support person

A support person is a family member, personal care assistant, similar disability service provider, or other individual knowledgeable about the management or care of the patient who is authorized to assist the patient in making decisions.

### Ensuring Appropriate Access to Support Persons

As described in the Patient Rights and Responsibilities Policy, patients have the right to an individual of their choice to remain with them for their hospital stay except when that individual's presence infringes on others' rights or safety or is medically or therapeutically contraindicated.

A declared public health emergency presents many unique obstacles, including for the treatment of individuals with disabilities for whom access to support persons may be limited to protect the patient and others. Visitor restrictions evolve based on current guidance from the CDC and other official sources and may include no visitors. An exception is that a legally authorized support person for a patient in need of support may accompany, visit, or stay for an agreed upon period of time in the hospital when the support person's presence is clinically indicated and the patient would benefit from the intervention of the support person. The presence of

the support person must be feasible under the CDC and other infection control standards.

Examples of when the presence of a support person may be reasonably linked to the effective care of a patient with a disability may include, but are not limited to:

- A patient with an intellectual or developmental disability or neurocognitive disorder who may not understand the care team but whose support person will improve communication and facilitate treatment
- A patient whose support person is regularly engaged in the care of the patient outside the hospital and whose presence will improve clinical outcomes
- A patient whose ability to communicate or understand information may be limited and whose support person will empower the patient and the patient's care team to meet the patient's needs

Each instance must be evaluated by the care team directly engaged with the patient to ensure the presence of the support person is clinically indicated and that the patient will benefit from the intervention of the support person. The care team may limit the number of support persons onsite to one at a time.

To obtain visitation information prior to arrival at Holy Cross Hospital, a patient or patient's support person may call 301-754-7000 and ask for the department where the patient will be or has been admitted. The patient or patient support person should discuss any stays with the patient's care team or nurse management. For additional information, call the Holy Cross Hospital Patient Experience Senior Director at 301-754-7019.

To obtain visitation information prior to arrival at Holy Cross Germantown Hospital, a patient or patient's support person may call 301-557-6000 and ask for the department where the patient will be or has been admitted. The patient or patient support person should discuss any stays with the patient's care team or nurse management. For additional information, call the Holy Cross Germantown Hospital Program Development Vice President at 301-557-5967.

For more information about visitors to the Holy Cross Health Network, please directly contact the particular care facility.

Visitors must be:

- Without symptoms of illness, including respiratory or fever symptoms;
- Willing to be subject to assessment of symptoms by staff upon initial entry into the facility and periodically during their stay, including undergoing a temperature check and leaving if a temperature is above 100 degrees Fahrenheit;
- Willing to appropriately wear a mask in the presence of others, including colleagues, and to don and doff appropriate personal protective equipment when directed; and
- Follow requirements concerning movement throughout the facility.

Additional information for visitors is available on the Holy Cross Health web site and in the Holy Cross Health Visitor Policy.

### Communication When a Support Person Is Not Present

When a support person cannot be present with the patient, the care team will ensure regular communication with a support person of information relevant to the support person's involvement with the care of the patient. These communications should be in real time whenever practicable and provide sufficient detail and time for the support person to raise concerns or recommendations. The care team must facilitate appropriate interpretation for support persons when needed. These communications must comply with the Health Insurance Portability and Accountability Act (HIPAA) and other

privacy laws, regulations, and standards. These communications will be documented in the electronic health record.

Support persons may also initiate communication with the patient by calling the unit. The hospital strives to offer virtual visits between patients and support persons whenever possible, and support persons and patients should ask members of their care team for more information about the availability of and how to use these services.

### **Infection Control and Safety Requirements for Support Persons**

If there is a declared public health emergency and it involves a condition that will present a biological or chemical danger to the support person, the care team will investigate all reasonable methods of fulfilling the patient's needs without entrance into the patient's room. If the care team determines that the support person must be at the bedside with the patient and is at risk of contracting a communicable disease or sustaining an injury, the care team must explain this to the support person, and the support person must agree to enter the patient's room. The care team will document the explanation and agreement in the electronic health record. The care team will supply the support person with personal protective equipment as available. The support person will comply with the directions of the care team, including, but not limited to, directions about movement in and out of the patient's room.

### **Requesting a Reasonable Accommodation**

Colleagues and providers should identify patients with disabilities whenever they have contact with the patient in a healthcare service capacity in advance of or at the time of need. This includes at the point of scheduling for planned services, at the time of pre-registration or registration for services, and at the time of service by the healthcare provider. All providers must offer and confirm that interpretation services, assistive devices, and other reasonable accommodations are needed and must follow the guidelines for obtaining and providing such accommodations. See the Interpretation and Translation Services Policy for additional information and standards concerning interpretation and translation services, including American Sign Language interpretation services.

Holy Cross Health employs numerous measures to assist patients with disabilities, including, but not limited to:

- Ensuring its programs, services, activities, and facilities are accessible;
- Providing services and programs in the most integrated setting appropriate to the needs of the patient with a disability;
- Providing auxiliary aids to persons with disabilities, at no additional cost, when necessary to afford an equal opportunity to participate in or benefit from a program or activity; and
- Implementing grievance processes to address concerns about unequal access to services and potential disability discrimination.

At any time, a patient or support person may request an accommodation. The patient or support person should first make this request of the care team. The care team must give primary consideration to an individual's expressed accommodation and honor it unless another equally effective measure to reaching the treatment goal is available, the accommodation would fundamentally alter the program or activity, or the accommodation would result in an undue financial or administrative burden. An equally effective measure must give the patient an equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement. If the care team and patient or support person cannot reach agreement on the accommodation, the care team must escalate the dispute first to the unit director and, as necessary, up

the chain of command.

### **Filing a Grievance**

Holy Cross Health complies with applicable federal and state civil rights laws and does not discriminate against, exclude, or treat people differently on the basis of age, race, ethnicity, national origin, religion, language, physical or mental disability, ability to pay, sex, sexual orientation, gender identity, or gender expression. As described in this policy, Holy Cross Health provides auxiliary aids and services to people with disabilities and appropriate access to support persons. If a patient or support person believes that Holy Cross Health has failed to provide these services or access or has discriminated in another way on the basis of age, race, ethnicity, national origin, religion, language, physical or mental disability, ability to pay, sex, sexual orientation, gender identity, or gender expression, the patient or support person may file a grievance with the following:

#### **Holy Cross Hospital Director, Patient and Family Relations**

1500 Forest Glen Rd., Silver Spring, MD 20910

Phone: 301-754-7495 | TTY: 301-754-7406

Fax: 301-754-7494

Email: SSMD-CustRelations@holycrosshealth.org

#### **Holy Cross Germantown Hospital Patient and Family Relations**

19801 Observation Dr., Germantown, MD 20876

Phone: 301-557-6495 | TTY: 301-557-7406

Fax: 301-557-5571

Email: ssgtcustomerrelations@holycrosshealth.org

#### **Holy Cross Health Network Vice President, Medical Affairs and Practice Operations**

1500 Forest Glen Rd., Silver Spring, MD 20910

Phone: 301-754-7871 | TTY: 301-754-7406

Fax: 301-754-7172

Email: SSMD-CustRelations@holycrosshealth.org

For additional information, see the Holy Cross Health Complaints and Grievances Policy and the Holy Cross Health Non-discrimination Policy.

### **For Additional Information**

For additional information, please contact the Holy Cross Hospital Patient Experience Senior Director at 301-754-7019, the Holy Cross Germantown Hospital Program Development Vice President at 301-557-5967, or the Holy Cross Health Network Vice President of Medical Affairs and Practice Operations at 301-754-7871.