



NATIONAL FAMILY CAREGIVERS ASSOCIATION

## “It Doesn’t Have to Be This Hard”

### Sometimes Legislation and Regulation Isn’t Enough

An NFCA Commentary 5/06

In response to an article entitled *Making the Most of the Doctor’s Office Visit*, that was published in NFCA’s newsletter TAKE CARE! (Vol 15 # 1), we received an e-mail from a family caregiver who had an issue about doctors’ offices and other medical facilities not being prepared to deal with patients who need to be transferred from wheelchair to exam table.

The letter from Linda Taubenreuther read:

*As the wife of someone with advanced MS, one issue my husband and I face regularly is the fact that, incredibly, our health plan’s facility is completely at sea when it comes to helping my husband transfer to an exam table.*

*Despite advance notice, they never have people ready to make the transfer, and end up rounding up whatever hapless staffers are passing by. None of them have a clue as to how to do a transfer, and actually ask ME what they are supposed to do! I have had two different people — an MRI technician and a doctor who is short in stature and about 50 lbs. lighter than my husband — insist on attempting the transfer by themselves, only to come perilously close to dropping their patient on the floor.*

*Clearly, the medical facilities we go to are completely unequipped to handle wheelchair-bound patients. In many cases, this has resulted in incomplete exams, with only the area that can be examined with the patient in a seated position being addressed. Needless to say, this leaves out a lot of territory. Any tips for handling this would be appreciated. Complaining to Member Services has gotten me nothing but an apologetic letter.”*

We sent Linda’s e-mail to an attorney who specializes in disability discrimination issues, asking if what she was confronting was a violation of federal law. Here is an excerpt of his reply:

*This is a definitely an Americans with Disabilities Act (ADA) Title III (Public Accommodations) issue as well as a Rehabilitation Act Section 504 issue since the physicians receive federal money. The facility may also be violating the state’s civil rights law ...*

### What the Law Says

According to the U.S. Department of Justice, Civil Rights Division, Title III of the Americans with Disabilities Act (ADA) covers businesses and nonprofit service providers that are public

accommodations. This includes doctors' offices, hospitals, and other facilities that provide medical care.

Public accommodations must comply with basic nondiscrimination requirements that prohibit exclusion, segregation, and unequal treatment. Citizens can file a complaint when they believe they have been treated unfairly. Complaints of Title III violations may be filed with the Department of Justice. For more information, contact the U.S. Department of Justice Civil Rights Division at 800/514-0301 or go to [www.ada.gov](http://www.ada.gov).

Likewise, citizens can file a complaint with the U.S. Department of Health and Human Services (DHHS), Office for Civil Rights regarding violations of Section 504 of the Rehabilitation Act of 1973. The nondiscrimination requirements of the law apply to employers and organizations that receive financial assistance from any federal department or agency, including the DHHS. These organizations and employers include many hospitals, nursing homes, mental health centers and human service programs. For more information, contact DHHS at 800/368-1019 or go to [www.hhs.gov/ocr](http://www.hhs.gov/ocr).

### **What Can Any of Us Really Do?**

We can, of course, file individual complaints to the agencies above. Realistically speaking, however, most of us aren't going to do that. In a subsequent e-mail to NFCA, Linda articulated what is most likely the feeling of many family caregivers when she said: *"My longtime tireless zeal for pursuing these issues is fading somewhat these days; the results of even the most intensive efforts usually prove minimal or nil and it gets pretty demoralizing."*

In an effort to help Linda and others who may find themselves in similar situations, we are turning to our readers. If you have been confronted with a situation similar to Linda's, please tell us how you have handled it or what advice you have for your fellow family caregivers. Many times, it's the advice from peers that is the most helpful.

### **Family Caregivers and Recipients Respond With Letters to the Editor**

*In reference to Linda's dilemma (getting her husband transferred from a wheelchair to an examination table), I have the same problem with my wife and I go to a major famous Boston medical center. I am a male over 65 and I have to physically lift her from a sitting position in a wheelchair to a sitting position on the table. I have the strength to do this because I have done so for the last 10 years. Additionally, the examination rooms are designed as "rabbit runs" and it is one hell of a hassle to navigate the traffic and the parking situation. A trip to the doctor is an all-day affair filled with tension and aggravation.*

*The individual who designed the examination table probably had no training in the laws of accessibility. Additionally, I would point out that while doctors may be skilled in the art of medicine, accessibility is an issue about which they have no knowledge. Linda should write a certified letter, return receipt requested, to both her doctor and Member Services indicating her complaint. If some of her cost for medical services comes via Medicare, she should put the doctor and the healthcare*

*facility on notice that future visits or bills will be challenged as over-billed items because of the lack of a complete exam.*

Tom  
Mansfield, MA

*I read the story from Linda Taubenreuther with a lot of interest because it could have been written by me. My husband is a double amputee (right arm and right leg). He has numerous other problems, including several strokes, diabetes, emphysema, and lung and rectal cancer, so we spend a lot of time at doctors' offices. We have never been in one where they could do a transfer. Some nurses have even asked if he can stand on his one leg and hop to the table. I am very blessed because we have a son who goes on every visit with us and does all the transferring. He started doing it when he was 15 and has become a real pro at it. Even finding a doctor was a real problem after my husband's accident. He cannot transfer to the chairs at the eye doctor and it took a long time to find a doctor who would accept him as a patient. We had the same problem with a dentist. This is not a friendly world for the disabled person. When you spend all your time caring for someone, you don't have time to fight over these other issues. Sometimes I get mad at the ignorance and sometimes I just cry. I don't think there is any real answer to this particular problem.*

Faye  
Fort Worth, TX

*Regarding your article on doctors' offices and accessible exam tables, I am in a wheelchair and make countless visits to over a dozen doctors' offices during the year. I have faced the problem of high exam tables numerous times. What is "funny" is that the first question the staff usually asks is, "Can you walk at all?" hoping against all hope that I am using the wheelchair to get around but, when pressed, can take a step or two. When I answer "no," their faces fall. My husband is always with me and we round up one or two other people to execute the transfer if that is needed; otherwise, I'm examined in my chair.*

*Back to your article's question about what other readers are doing: We carry several copies of an article I found in New Mobility magazine ("Accessible Medical Exam Tables — Just Ask," December 2005.) It describes the advantages of an accessible exam table, what they cost, etc.*

*Another interesting remark we received was when one doctor said his back bothers him when he does certain procedures on patients who lie on a cot that actually looks like it was used in World War II. That's another reason to promote the accessible medical table: The doctor cared about how working on a low, non-adjustable bed was hurting HIS back!*

Julie  
Reston, Virginia