



# Public Health Law

Office for State, Tribal, Local and Territorial Support  
Centers for Disease Control and Prevention

## ***Healthy People 2020* Law and Health Policy Project: Legal and Policy Resources Related to Disability and Health**

In 2010, more than 50 million Americans had a disability.<sup>i</sup> A disability is defined as “any condition of the body or mind (impairment) that makes it more difficult for the person with the condition to do certain activities and interact with the world around them.”<sup>ii</sup> As the *Healthy People 2020* Disability and Health topic emphasizes, “all people, including people with disabilities, must have the opportunity to take part in important daily activities that add to a person’s growth, development, fulfillment, and community contribution.”<sup>iii</sup>

This document has been developed for members of the public interested in law and health policy topics related to disability and health. The resources included provide selected legal and policy resources addressing barriers to health care for people with disabilities, environment and disabilities, and activities and participation for people with disabilities.

### **Barriers to Health Care**

People with disabilities might encounter one or more barriers when accessing health care, such as prohibitive costs, limited availability of services, physical barriers, or inadequate skills and knowledge of health workers.<sup>iv</sup> These barriers can prevent people with disabilities from meeting their health care needs.<sup>v</sup> The resources below explore how laws and policies can improve access to health care for people with disabilities.

- M. Maya McDoom, Elisa Koppelman, Mari-Lynn Drainoni, [Barriers to Accessible Health Care for Medicaid Eligible People With Disabilities](#), J. DISABILITY POLICY STUDIES (Nov. 2014). *Subscription required.*
- THE BARRIER FREE HEALTHCARE INITIATIVE, [Accessible Healthcare Legal Advocacy](#) (2009).
- Kristi L. Kirschner, Mary Lou Breslin, Lisa I. Iezzoni, [Structural Impairments That Limit Access to Health Care for Patients with Disabilities](#). J. AM. MED. ASS’N (Mar. 2007). *Subscription required.*



## Environment and Disabilities

Several objectives in *Healthy People 2020's* Disability and Health topic highlight areas for improvement and opportunities for people with disabilities to interact with their environment without barriers and participate in everyday life activities.<sup>vi</sup> Environmental factors, such as technology, support and relationships, services, policies, or the beliefs of others can affect people with disabilities.<sup>vii</sup> The following resources explore how law and policies can help foster disability-friendly environments.

- NAT'L COUNCIL ON DISABILITY, [Home and Community-Based Services: Creating Systems for Success at Home, at Work and in the Community](#) (Feb. 2015).
- NAT'L COUNCIL ON DISABILITY, [Appendix B - Medicaid Funding Authorities: States and Institutional Care](#) (2014).
- CIVIL RIGHTS DIV., DEP'T OF JUSTICE, [Olmstead: Community Integration for Everyone](#) (no date).

## Activities and Participation

People with disabilities play an important and valued role in every community. All people, including people with disabilities, must have the opportunity to take part in key daily activities that add to a person's growth, development, fulfillment, and community contribution.<sup>viii</sup> Disability inclusion involves more than simply encouraging people; it requires ensure that adequate policies and practices are in effect in a community or organization.<sup>ix</sup> The resources below explore laws and policies related to disability inclusion.<sup>x</sup>

- US DEP'T OF JUSTICE, [United States' Investigation of the Georgia Network for Educational and Therapeutic Support](#) (July 2015).
- NAT'L DISABILITY RIGHTS NETWORK, [Docket of Cases Related to Enforcement of the ADA Title II "Integration Regulation"](#) (updated July 2015).
- US EQUAL EMP'T OPPORTUNITY COMM'N, [EEOC Issues Proposed Rule on Application of the ADA to Employer Wellness Programs](#) (Apr. 2015).
- NAT'L COUNCIL ON DISABILITY, [Letter to Subcommittee on Workforce Protections Regarding Wellness Legislation](#) (Mar. 2015).
- ASS'N OF UNIV. CTRS. ON DISABILITIES, [South Carolina Presumptive Eligibility Policy Dramatically Increases Access to Early Intensive Behavioral Intervention for Young Children at Risk of Autism Spectrum Disorder](#) (Dec. 2014).
- US DEP'T OF EDUC., [Correctional Education and IDEA](#) (Dec. 2014).
- CTR. FOR PARENT INFO. & RESOURCES, [Guidance from the US Department of Education on the Individuals with Disabilities Education Act \(IDEA\)](#) (updated Mar. 2016).
- US DEP'T OF EDUC., [Least Restrictive Environment \(LRE\) Memo](#) (2012).
- NAT'L CTR. FOR FAMILY SUPPORT, [EPSDT: Supporting Children with Disabilities](#) (Sept. 2004).

## Acknowledgments and Disclaimers

*This document was developed by Julia Charles, JD, Oak Ridge Institute for Science and Education fellow with the Public Health Law Program (PHLP) within the Centers for Disease Control and Prevention's (CDC's) Office for State, Tribal, Local and Territorial Support with assistance from Adebola Popoola, MS, MPH, an intern with PHLP and law student at Atlanta's John Marshall Law School.*

*For further technical assistance with this inventory, please contact PHLP at [phlawprogram@cdc.gov](mailto:phlawprogram@cdc.gov). PHLP provides technical assistance and public health law resources to advance the use of law as a public health tool. PHLP cannot provide legal advice on any issue and cannot represent any individual or entity in any matter. PHLP recommends seeking the advice of an attorney or other qualified professional with questions regarding the application of law to a specific circumstance. The findings and conclusions in this summary are those of the author and do not necessarily represent the official views of CDC.*

*For further technical assistance with this inventory and for questions regarding the Healthy People 2020 Law and Health Policy Project, please contact Angela McGowan at [angela.mcgowan@hhs.gov](mailto:angela.mcgowan@hhs.gov).*

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<sup>i</sup> Matthew W. Brault, "[AMERICANS WITH DISABILITIES: 2010](#)," *Current Population Report*, US Census Bureau, 70–131; 2012.

<sup>ii</sup> CTRS. FOR DISEASE CONTROL & PREVENTION, [Disability Overview](#) (updated July 2015).

<sup>iii</sup> *Id.*

<sup>iv</sup> WHO, [Disability and Health](#), fact sheet no. 352 (reviewed Nov. 2016). Related *Healthy People 2020* Disability and Health objectives include #4 DH-4 ("reduce the proportion of adults with disabilities aged 18 years and older who experience delays in receiving primary and periodic preventive care due to specific barriers"), #5 ("increase the proportion of youth with special health care needs whose health care provider has discussed transition planning from pediatric to adult health care"), and #8 ("reduce the proportion of adults with disabilities aged 18 and older who experience physical or program barriers that limit or prevent them from using available local health and wellness programs").

<sup>v</sup> *Id.*

<sup>vi</sup> *Healthy People 2020* Disability and Health objectives include objectives #9 ("reduce the proportion of people with disabilities who encounter barriers to participating in home, school, work, or community activities"), #10 ("reduce the proportion of people with disabilities who report barriers to obtaining the assistive devices, service animals, technology services, and accessible technologies that they need"), and #12 ("reduce the number of people with disabilities living in congregate care residences").

<sup>vii</sup> *Supra* note 2.

<sup>viii</sup> US DEP'T OF HEALTH & HUMAN SERVS., Disability and health. In: [Disability and Health: Overview](#) (2014).

<sup>ix</sup> *Id.*

<sup>x</sup> *Healthy People 2020* Disability and Health objectives include objectives #13 ("increase the proportion of adults with disabilities aged 18 years and older who participate in leisure, social, religious or community activities"), #14 ("increase the proportion of children and youth with disabilities who spend at least 80 percent of their time in regular education programs"), #16 ("increase employment among people with disabilities"), and #20 ("increase the proportion of children with disabilities, birth through age 2 years, who receive early intervention services in home or community-based settings").