



DISABILITY RIGHTS
LOUISIANA
Protect. Advocate. Empower.

An Overview of Core Disability Rights Laws in the United States

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AGENDA

- Brief overview of the Protection and Advocacy Agency (P&A) System in the United States
- The Americans with Disabilities Act (Expanded Overview)
- Olmstead vs. L.C.
- ADAAA
- New Rule on the Accessibility of Medical Diagnostic Equipment Used by State and Local Governments

Key milestones in the P&A system's history:

1972: Geraldo Rivera's investigative reporting on the Willowbrook State School in New York is broadcast, exposing horrific conditions and sparking public outrage.

1975: In response to the exposé, Congress passes the Developmental Disabilities Assistance and Bill of Rights Act, which establishes the initial Protection and Advocacy for Individuals with Developmental Disabilities (PADD) program in every state.

1980s –present: Congress expands the system's authority and creates new P&A programs to address the needs of various disability groups, including those with mental illness, traumatic brain injuries, and assistive technology needs.

1999: P&A systems begin working to implement the landmark Supreme Court decision in *Olmstead v. L.C.*, which requires states to provide services to people with disabilities in the most integrated community settings possible.

Present day: The P&A system has grown into a national network of 57 agencies that provide a broad range of services, including legal representation, monitoring of facilities (schools, hospitals, prisons), and advocacy for issues such as employment, housing, and voting rights.

Disability Rights Louisiana

- Disability Rights Louisiana (DRLA) founded in 1977 and designated as our state's P&A.
- Our mission is to protect and advocate for the human and legal rights of people with disabilities of all ages across our state. We work to empower the disability community to live an integrated life, free from abuse, neglect and exploitation.
- We are a staff of fifty who work out of branch offices in New Orleans and Lafayette, as well as field offices throughout the state.
- Our 12 areas of focus are home and community -based services, accessibility, autonomy/self -determination, employment, voting, advocacy for older people, rights protection/institution, disaster resilience, affordable accessible housing, benefits protection, education and assistive technology

Americans with Disabilities Act

–July 26, 1990

- Bans discrimination based on disability and requires public accommodations to be accessible
- The ADA protects people who:
- Have a physical or mental impairment that substantially limits one or more major life activities, such as: walking, talking, hearing, seeing, learning
- Have a history or record of such an impairment (such as cancer that is in remission)
- Are perceived by others as having such an impairment (such as a person who has scars from a severe burn).

5 Titles of the ADA:

- I. Employment
- II. Public Entities
- III. Public Accommodations
- IV. Telecommunications
- V. Miscellaneous Provisions

Americans with Disabilities Act

– Title I: Employment

- Under this title, there cannot be any discrimination in any aspect of employment (Hiring, Firing, Pay, Job Assignment, Promotions, Layoffs and Trainings)
- Discrimination occurs when a qualified individual is treated unfavorably because they have a disability.
- Employers with 15 or more employees must provide reasonable accommodations unless it causes an undue hardship to the employer.
- Employers can't ask you about your disability before offering you a job, and medical information must stay private.
- Reasonable accommodations include things like flexible schedules, interpreters, screen readers, job restructuring, or changes to the workspace.
- Title I is enforced by the Equal Employment Opportunities Commission (EEOC)

Americans with Disabilities Act

–Title II: Public Entities

- Title II says that all state and local governments (cities, parishes/counties, school districts, public colleges, libraries, courts, voting systems, public hospitals) must ensure that people with disabilities have equal access to everything they offer.
- Public spaces, programs, and services must be accessible in both physical and digital ways.
- Governments must provide effective communication, including interpreters, accessible documents, captioning, or assistive listening devices.
- Public transportation (city buses, public rail systems, paratransit) must be accessible.
- Policies that exclude disabled people must be modified unless doing so would fundamentally change the service.
- Title II is enforced by the US Department of Justice (DOJ) and US Department of Transportation (DOT)

Americans with Disabilities Act

– Title III: Public Accommodations

- Title III requires businesses and nonprofits (restaurants, hotels, stores, banks, gyms, museums, theaters, daycares, doctors' offices, etc.) to be accessible to people with disabilities.
- Businesses must remove barriers when it is readily achievable (easy to do without much difficulty or cost).
- •New construction must be built fully accessible from the start.
- •Businesses must provide reasonable modifications to policies (like allowing a service animal or offering assistance filling out forms).
- They must also provide effective communication, like captioning, accessible websites, and alternate formats.
- Title III is enforced by the DOJ

Americans with Disabilities Act

– Title IV: Telecommunications

- Title IV requires telephone and internet companies to provide nationwide relay services so that deaf, hard of hearing, DeafBlind, and speech disabled people can communicate over the phone.
- Establishes Telecommunications Relay Services (TRS), including TTY, video relay (VRS), and text relay.
- Requires TV broadcasters to include closed captioning in most federally funded public service announcements.
- Ensures people with disabilities have functionally equivalent access to communication.
- Title IV of the Americans with Disabilities Act is enforced by the Federal Communications Commission (FCC).

Americans with Disabilities Act

– Title V: Miscellaneous Provisions

- Title V ties the ADA together. It covers legal protections, prevents retaliation, clarifies how the ADA interacts with other laws, and protects people who speak up.
- Protects people from retaliation for asserting their ADA rights.
- Clarifies that the ADA doesn't cancel or weaken other disability rights laws. The ADA only adds to them.
- Addresses attorney fees, technical assistance, and state immunity.
- Defines terms like “disability,” though the definition has been expanded and strengthened by the ADA Amendments Act of 2008 (ADAAA).

Olmstead vs. L.C.

- The case was brought by Lois Curtis and Elaine Wilson, two women with mental illness and developmental disabilities who were confined to a Georgia state psychiatric hospital despite their doctors stating they were ready for community -based care.
- A person must be provided with community -based services if (1) the state's treatment professionals determine it is appropriate; (2) the person does not object to the community placement; and (3) the placement can be reasonably accommodated by the state.

ADA Amendments Act of 2008 (ADAAA)

The ADAAA restored and expanded the original intent of the ADA by making it much easier for people to qualify as disabled and receive protections.

Key Changes:

1. Broader definition of disability
2. Disability should be easy to prove: Focus on discrimination, not strict definitions.
3. Medication, devices, treatment, or supports cannot be used to say someone isn't disabled.
4. Episodic/ intermittent conditions are covered
5. Expanded "major life activities": Includes everyday activities (reading, thinking, communicating) and bodily functions (immune system, brain, endocrine, digestive, etc.).
6. Stronger "regarded as" protection

New ADA Rules on Accessible Medical Diagnostic Equipment (MDE)

What Public Healthcare Facilities Must Do:

- Use accessible medical equipment (exam tables, weight scales, imaging equipment, dental chairs, etc.).
- Train staff to safely assist patients and use accessible features.
- Keep accessible equipment working and repair it promptly.
- Make sure patients with disabilities can receive the same exams and tests as everyone else.

Deadlines

✓ October 8, 2024

Any new medical equipment purchased must be accessible.

✓ August 9, 2026

• Every facility must have:

• At least one height-adjustable accessible exam table

• At least one wheelchair-accessible weight scale

✓ Ongoing

• Staff training must be continuous.

• Equipment must be maintained and usable at all times.

• Equal access to diagnostic services must be ensured every day.

Resources and Citations

General Overview of the ADA

Introduction to the ADA (DOJ)

Plain -language overview of what the ADA is, who it protects, and how the five titles work.

[https:// www.ada.gov /topics/intro - to - ada /](https://www.ada.gov/topics/intro-to-ada/)

Guide to Disability Rights Laws (DOJ)

Explains the ADA alongside other disability laws and gives short summaries of each title.

[https:// www.ada.gov /resources/disability - rights - guide/](https://www.ada.gov/resources/disability-rights-guide/)

Title I — Employment

EEOC: The ADA and Employer Responsibilities

Covers hiring, firing, reasonable accommodations, and what employers legally must do.

[https:// www.eeoc.gov /publications/ ada - your - responsibilities - employer](https://www.eeoc.gov/publications/ada-your-responsibilities-employer)

EEOC: Reasonable Accommodation Guidance

Explains what counts as an accommodation and how employers should handle requests.

[https:// www.eeoc.gov /laws/guidance/enforcement - guidance - reasonable - accommodation - and - undue - hardship - under - ada](https://www.eeoc.gov/laws/guidance/enforcement-guidance-reasonable-accommodation-and-undue-hardship-under-ada)

Resources and Citations

Title II — State & Local Government

DOJ: State and Local Government Requirements

Explains program access, effective communication, transportation, and policy modification.

<https://www.ada.gov/topics/title-ii/>

2010 ADA Title II Regulations

Full regulations for government access, including facilities and communication.

<https://www.ada.gov/law-and-regs/regulations/title-ii-2010-regulations/>

Title III — Public Accommodations (Businesses)

DOJ: Businesses Open to the Public

Explains obligations for restaurants, hotels, medical offices, gyms, stores, and other businesses.

<https://www.ada.gov/topics/title-iii/>

ADA National Network: What Is Title III?

Clear breakdown of who is covered and what businesses must do.

<https://adata.org/what-title-iii>

Resources and Citations

Title IV — Telecommunications

FCC: Telecommunications Relay Services (TRS)

Explains relay services like VRS, TTY, and captioned calls.

<https://www.fcc.gov/trs>

FCC: ADA Title IV (Section 225)

Summary of the law requiring equal phone access for disabled people.

<https://www.fcc.gov/general/title-iv-ada>

Title V — Miscellaneous Provisions

EEOC: ADA Titles I & V (Statutory Text)

Includes definitions, retaliation protections, attorney fees, and legal clarifications.

<https://www.eeoc.gov/statutes/titles-i-and-v-americans-disabilities-act-1990-ada>

ADA Amendments Act of 2008 (ADAAA)

Updated the definition of disability to restore broad protections under the law.

<https://www.eeoc.gov/statutes/ada-amendments-act-2008>

Resources and Citations

ADA Amendments Act of 2008 (ADAAA)

U.S. Equal Employment Opportunity Commission. (2008). ADA Amendments Act of 2008.

<https://www.eeoc.gov/statutes/ada-amendments-act-2008>

Protection & Advocacy (P&A) System

Administration for Community Living. (n.d.). Protection and Advocacy (P&A) systems and Client Assistance Program (CAP).

<https://acl.gov/programs/rights-and-advocacy/pacap>

National Disability Rights Network. (n.d.). About the P&A system. <https://www.ndrn.org>

Olmstead v. L.C.

Olmstead v. L.C., 527 U.S. 581 (1999).

U.S. Department of Justice. (n.d.). Olmstead: Community living and the ADA.

<https://www.ada.gov/olmstead/>

Resources and Citations

Medical Diagnostic Equipment (MDE) Rules

U.S. Department of Justice. (2023).

Accessibility of medical diagnostic equipment: Final rule for Title II entities.

<https://www.ada.gov/resources/mde> - title - ii - rule/

U.S. Access Board. (n.d.).

_Medical diagnostic equipment accessibility standards.

<https://www.access-board.gov/mde/>

QUESTIONS?



For more information, visit our
website:

disabilityrightsla.org/

Contact us: 1-800-960-7705

or fill out our online intake form at:

<https://disabilityrightsla.org/get-help-now/>

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