

November 13, 2023



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RE: RIN 1190-AA79, Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Entities

John Baackes
Chief Executive Officer

L.A. Care Health Plan, the nation's largest public plan with nearly 2.9 million Medicaid, Medicare D-SNP (Medicaid/Medicare Dual Eligibles), PASC- SEIU Homecare Workers, and Covered California (Marketplace) enrollees, respectfully submits comments in response to the proposed rule regarding clarification of the Americans with Disabilities Act (ADA) and Rehabilitation Act of 1973 (Rehabilitation Act).

L.A. Care wishes to express our strong support for the Administration's proposed rule to prevent discrimination on the basis of disability in health and human service programs or activities by clarifying the obligations of entities receiving federal assistance. It is L.A. Care's mission is to provide access to quality health care for Los Angeles County's vulnerable and low-income communities and residents and to support the safety net required to achieve that purpose – this includes individuals with a disability.

The Department of Health and Human Services (HHS) has issued a proposed rule designed to ensure that individuals with disabilities have equal access to healthcare and social services mandated by the Rehabilitation Act and the ADA. The Rehabilitation Act prohibits discrimination against individuals with disabilities in federally funded programs and activities, and the ADA extends these protections to employment, public accommodations, transportation, and telecommunications, promoting equal opportunities and access for individuals with disabilities.

The proposed rule addresses discrimination against people with disabilities when they need medical care. The changes ensure that decisions about medical treatment cannot be based on unfair beliefs or biases about disabilities and stops unfair methods that undervalue extending the lives of people with disabilities when deciding on medical treatments or services.

With more health services online, protections are needed to ensure websites and mobile apps are easily accessible for people with disabilities. The proposed rule defines what accessibility means for web and mobile apps and sets forth specific technical standards for compliance.

Additionally, the rule establishes enforceable standards for accessible medical diagnostic equipment, a significant and concrete step toward addressing health disparities experienced by people with disabilities. The proposed rule requires provider recipients of federal funds that use an examination table in their program or activity have at least one accessible exam table,



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and recipients that use a weight scale in their program or activity have at least one accessible weight scale. The accessible equipment is required within two years of the rule's effective date. These requirements have been scattered throughout case law over the history of the ADA and Rehabilitation Act— consolidating and clarifying regulations will increase protections for individuals with disabilities and simplify requirements for providers who serve the safety net.

Our vision is a healthy community where everyone, regardless of their background, has equitable access to healthcare. L.A. Care has been at the forefront of addressing health disparities and social barriers, playing a significant role in promoting health equity, diversity, inclusion, and social justice. We work with our members, community partners, and providers to make Los Angeles County a leader in ensuring a fair and just opportunity for optimal health. Guaranteeing equal access for individuals with disabilities is vital, but it comes with challenges. Standards for accessible medical equipment, like adjustable exam tables and wheelchair-friendly scales, are essential; however, these costs can strain safety net providers with tight budgets. Ensuring our safety net providers have the resources they need is crucial for them to serve our community effectively.

L.A. Care supports the safety net in L.A County by collaborating with individual and community health providers through a variety of targeted activities including a Community Health Investment Fund (CHIF). As of October 1, 2023, CHIF has supported more than 979 projects for 190 unique community entities, and invested more than \$138 million in organizations caring for under-resourced communities. We support community-based strategies and policy efforts to reduce health inequities associated with social determinants, which will help improve the health and wellbeing of marginalized community members. As a specific example, L.A. Care's CHIF will provide grant funding for accessible exam tables, starting in 2024, which happens to be part of the rule requirement.

This is not the first time that L.A. Care has stepped up to support safety net providers serving individuals with a disability. In 2008, L.A. Care invested \$1.5 million in an initiative that improved access to care for approximately 228,000 seniors and persons with disabilities by providing wheelchair-accessible scales and height adjustable exam tables to more than 60% of Los Angeles County's community clinics. In 2017, L.A. Care funded 82 additional clinic sites for the purchase of accessible exam tables and wheelchair-accessible scales for patients. These sites received at least one type of accessible equipment – in total 75 sites received adaptable exam tables and 82 received accessible scales. L.A. Care has worked to address health disparities and the social barriers that impede a person's equitable access to health care since our inception 26 years ago.

However, there must be adequate federal funding for the safety net providers. Adding requirements to already burdened providers will not fix the problem; providers need the resources to transform their practices into accessible sites for all. The federal government is in the perfect position to protect those most vulnerable, while not overburdening the safety net, by providing adequate funding.



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L.A. Care supports the proposed amendments to the HHS regulations on discrimination on the basis of disability in health and human service programs or activities. These are common sense and necessary protections for the most vulnerable in our communities. This proposed rule will play a vital role in ensuring that individuals with disabilities have equitable access to essential services and employment opportunities. These regulations underscore the government's commitment to upholding the rights and dignity of all individuals, regardless of their disability status. However, the safety net providers need our support and cannot be left grappling with these requirements without proper funding provided by the federal government.

Sincerely,



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