



TOOLKIT

Submitting Comments in Support of HHS Rule To Improve Medical Equipment Accessibility

September 21, 2023

On September 14, 2023, the Biden administration issued a proposed rule update¹ regarding the U.S. Department of Health and Human Services' (HHS) interpretation of Section 504² of the Rehabilitation Act of 1973.³ Section 504 prohibits federally funded organizations and employers from discriminating against people with disabilities, and each administrative agency of the federal government provides policies that reflect how it interprets Section 504. HHS' oversight includes policies that govern hospitals or health centers that receive federal funding through programs such as Medicare and Medicaid.

The proposed rule and comment submission box can be accessed through the *Federal Register* at [this link](#).

HHS' Section 504 proposed rule change suggests adding a new policy called Subpart J, which can be found on page 190 of the proposed rule. Subpart J targets the lack of accessible medical equipment for people with disabilities in medical facilities. HHS currently uses the U.S. Access Board's guidance on accessibility standards for medical diagnostic equipment.⁴ The board's standards provide suggestions on how to make certain medical diagnostic equipment—specifically, examination tables, examination chairs, weight scales, mammography equipment, X-ray machines, and other radiological equipment commonly used for diagnostic purposes by health professionals—accessible to disabled people. HHS' proposed rule broadens the U.S. Access Board's accessibility standards by expanding the definition of medical examination equipment to include equipment used for treatment purposes.

The Center for American Progress encourages people, especially those within reproductive rights and disability rights groups, to submit a personalized public comment generally supporting the proposed rule change. Individuals may choose to highlight how disabled people do not currently receive necessary health services due to inaccessible evaluation and examination equipment and the potential benefits of Subpart J in improving the health of people with disabilities by ensuring access to needed equipment and services. Comments are due on November 13, 2023.

This toolkit will:

- Explain how to submit a comment.
 - Provide suggestions on how to format and what to include in the comment.
 - Give key statistics on how inaccessibility in health care affects disabled people.
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Remember: Anyone can submit public comments into the *Federal Register*. CAP highly encourages individuals and organizations to submit unique public comments to ensure everyone’s voice is heard and comment is counted.

How to submit a comment

1. Visit the proposed rule webpage in the *Federal Register*.⁵
2. Click on the green “Submit a formal comment” button beneath the rule title.
3. Type your comment. You may also attach it as a file.
4. Enter your email address, if you choose to provide it. You can also select the checkbox to opt to receive email confirmation of your submission and a tracking number, but it is not required.
5. Select whether you are an individual, an organization, or whether you want to be anonymous. Note that if you select “individual” or “organization,” the content of the comment and your name will be made viewable publicly.
6. Select the box that says: “I have read and understand the statement above.”
7. Review your comment and click “Submit comment.” You may also preview your comment if you would like.

Format and outline for comments

- **Introduction:** Introduce yourself or your organization. If applicable, feel free to include information about your disability if you feel comfortable.
- **State your support for the proposed rule change:** Make sure you clearly write that you support the proposed rulemaking to make medical equipment more accessible for people with disabilities.
- **Explain why you care:** This is a chance to talk about how the accessibility of medical equipment used for evaluation, diagnostics, and treatment affects disabled people’s ability to receive the reproductive health care individuals need. You can use a personal story or a story of someone you know. Feel free to use some of the key statistics provided below to help support your point. Some personal stories or topics that may be helpful to highlight include:
 - A time when you or someone you know went without routine or preventive medical care or faced difficulties or delays in accessing care because medical equipment was inaccessible

- A time when you or someone you know went without routine or preventive medical care or faced difficulties or delays in accessing care because accessible medical equipment was unavailable
- A time when you or someone you knew was denied access to medical equipment by a health care provider
- **Finalize your thoughts:** Restate your strong support for the proposed rule change around making medical diagnostic equipment more accessible.

Key points and statistics to include

- Up to 1 in 4 adults⁶ have some type of disability, according to the Centers for Disease Control and Prevention.
- The United States has added 2.7 million⁷ more adults with disabilities in the past two years. This is a significant increase in contrast to previous years.
- The United States has more than 1 million women with chronic physical disabilities⁸ who are of child-bearing age, and at least 4.1 million people⁹ are parents with disabilities.
- Disabled people report significant and varied barriers¹⁰ to accessing reproductive health care, including:
 - Discrimination and lack of provider training,¹¹ which is further compounded for disabled people of color¹²
 - Barriers to care, including unaccommodating physical infrastructure, such as narrow doorways or examination tables or nonadjustable chairs, as well as scales, X-rays, and mammography machines that cannot be used by people who have difficulty or who cannot stand¹³
 - Reproductive health exam or treatment rooms inaccessible for people with physical disabilities¹⁴
- Disabled people are much less likely to receive recommended cancer screenings.¹⁵ One comprehensive study showed that disabled women were much less likely to receive Pap smears (as low as 66.1 percent) compared with nondisabled women (81.4 percent). Disabled women were also much less likely to have a mammogram (as low as 61.2 percent) when compared with nondisabled women (72.8 percent).
- Disabled people are more likely to be diagnosed with breast cancer at later stages¹⁶ and have higher breast cancer mortality rates¹⁷ compared with their nondisabled peers.
- Disabled people are more likely to have pregnancy complications than nondisabled people, resulting in their babies being born early and having low birth weights.¹⁸
- All people, including individuals with disabilities, have the right to decide if, when, and how to start and raise a family as well as to have healthy pregnancies and postpartum periods.

Conclusion

Thank you for your consideration. We encourage you to make your voice heard and submit a comment in support of the updated interpretation of Section 504 of the Rehabilitation Act of 1973. Your feedback and personal experiences matter and can help ensure the Department of Health and Human Services follows through on ensuring people with disabilities have access to needed medical diagnostic equipment.

If you have questions, want to let us know you used this tool to submit a comment, want to let us know what you submitted, or have further suggestions, feel free to email us at mivesrublee@americanprogress.org.

Endnotes

- 1 U.S. Department of Health and Human Services, "Discrimination on the Basis of Disability in Health and Human Service Programs or Activities," *Federal Register* 88 (177) (2023): 63392–63512, available at <https://www.federalregister.gov/documents/2023/09/14/2023-19149/discrimination-on-the-basis-of-disability-in-health-and-human-service-programs-or-activities>.
- 2 U.S. Department of Health and Human Services, "Fact Sheet: Your Rights Under Section 504 of the Rehabilitation Act" (Washington: 2006), available at <https://www.hhs.gov/sites/default/files/ocr/civilrights/resources/factsheets/504.pdf>.
- 3 Rehabilitation Act of 1973, Public Law 93-112, 93rd Congress, 1st sess. (September 26, 1973), available at <https://www.govinfo.gov/content/pkg/COMPS-799/pdf/COMPS-799.pdf>.
- 4 U.S. Access Board, "Medical Diagnostic Equipment Accessibility Standards," January 9, 2017, available at <https://www.access-board.gov/mde/>.
- 5 U.S. Department of Health and Human Services, "Discrimination on the Basis of Disability in Health and Human Service Programs or Activities."
- 6 U.S. Centers for Disease Control and Prevention, "Disability Impacts All of Us," available at <https://www.cdc.gov/ncbddd/disabilityandhealth/infographic-disability-impacts-all.html> (last accessed September 2023).
- 7 U.S. Census Bureau, "Week 60 Household Pulse Survey: July 26 – August 7," August 16, 2023, available at <https://www.census.gov/data/tables/2023/demo/hhp/hhp60.html>.
- 8 Lisa I. Iezzoni and others, "Prevalence of Current Pregnancy Among U.S. Women with and without Chronic Physical Disabilities," *Medical Care* 51 (6) (2013): 555–562, available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3733491/>.
- 9 National Council on Disability, "Rocking the Cradle: Ensuring the Rights of Parents with Disabilities and Their Children" (Washington: National Council on Disability, 2012), available at <https://www.ncd.gov/publications/2012/Sept272012/>.
- 10 Emily DiMatteo and others, "Reproductive Justice for Disabled Women: Ending Systematic Discrimination" (Washington: Center for American Progress, 2022), available at <https://www.americanprogress.org/article/reproductive-justice-for-disabled-women-ending-systemic-discrimination/>.
- 11 Stefanie G. Ames and others, "Perceived Disability-Based Discrimination in Health Care for Children With Medical Complexity," *Pediatrics* 152 (1) (2023), available at <https://publications.aap.org/pediatrics/article/152/1/e2022060975/192154/Perceived-Disability-Based-Discrimination-in?autologincheck=redirected>.
- 12 Megan Buckles and Mia Ives-Ruble, "Improving Health Outcomes for Black Women and Girls With Disabilities" (Washington: Center for American Progress, 2022), available at <https://www.americanprogress.org/article/improving-health-outcomes-for-black-women-and-girls-with-disabilities/>.
- 13 Arielle Silverman, "How to Make Healthcare Accessible for All" (Seattle: University of Washington, 2017), available at https://agerrtc.washington.edu/sites/agerrtc/files/files/HealthcareAccess_20170621_final.pdf.
- 14 Claire Z. Kalpakjian and others, "Reproductive Health in Women with Physical Disability: A Conceptual Framework for the Development of New Patient-Reported Outcome Measures," *Journal of Women's Health* 29 (11) (2020): 1427–1436, available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7703246/>.
- 15 C. Brooke Steele and others, "Prevalence of Cancer Screening Among Adults With Disabilities, United States, 2013," *Prevention of Chronic Disabilities* 26 (9) (2017), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5268742/>.
- 16 Richard G. Roetzheim and Thomas N. Chirikos, "Breast Cancer Detection and Outcomes in a Disability Beneficiary Population," *Journal of Health Care for the Poor and Underserved* 13 (4) (2002): 461–476, available at <https://sci-hub.se/10.1353/hpu.2010.0606>.
- 17 Ellen P. McCarthy and others, "Disparities in Breast Cancer Treatment and Survival for Women with Disabilities," *Annals of Internal Medicine* 145 (9) (2006): 637–645, available at <https://www.acpjournals.org/doi/full/10.7326/0003-4819-145-9-200611070-00005>.
- 18 Willi Horner-Johnson and others, "Perinatal Health Risks and Outcomes Among US Women with Self-Reported Disability, 2011–2019," *Health Affairs* 41 (10) (2022), available at <https://www.healthaffairs.org/doi/10.1377/hlthaff.2022.00497>.