



COVID-19 Vaccination Site Non-Discrimination, ADA and Language Access Guidance

Effective Date: March 24, 2021

Authority: ORS 431A.010, ORS 431A.015, ORS 433.441, ORS 433.443, ORS 659A.142, ORS 659A.143, ORS 659A.403

Applicability: This guidance applies to any person operating a vaccination site for administering an emergency use authorized or FDA approved COVID-19 vaccine in Oregon.

Definitions: For purposes of this guidance the following definitions apply:

- **ADA** means the Americans with Disability Act
- **ASL** means American Sign Language
- **LEP** means limited English proficiency
- **Vaccination administration site** means any location where an emergency use authorized or FDA approved COVID-19 vaccine is administered.

Introduction

COVID-19 has disproportionately affected Tribal Nations, Tribal communities, Latino, Latina/Latinx, Black/African American, Asian, Pacific Islander and American Indian/Alaska Native populations, communities of color, older adults and people with disabilities. Compliance with anti-discrimination laws and the Americans with Disabilities Act (ADA) is the law, and it is particularly critical that operators of vaccination administration sites ensure that there are no barriers to receiving COVID-19 vaccines for communities of color, Deaf people, DeafBlind, people with disabilities, and people who have limited English proficiency (LEP). Vaccinations must be provided in a manner that ensures access and must be provided to those who are eligible without racism or discrimination.

Federal and state law require non-discrimination

The federal Office for Civil Rights at the U.S. Department of Health and Human Services (HHS) issued guidance on March 28, 2020, reminding covered entities (health care providers and health insurers) of their federal legal obligations and responsibilities under Section 1557 of the Affordable Care Act and Section 504 of the Rehabilitation Act which “prohibit discrimination on the basis of race, color, national origin, disability, age, sex, and exercise of conscience and religion in HHS-funded programs.” HHS has reiterated that there must be not be discrimination

“in the Nation’s efforts to vaccinate the public against the COVID-19 virus regardless of race, color, national origin, disability, gender, age, or sex.”¹

On April 2, 2021, HHS issued an updated statement about ensuring access to medical care, including vaccines, to people with disabilities. To read the statement, go to:

<https://www.justice.gov/opa/pr/statement-principal-deputy-assistant-attorney-general-civil-rights-leading-coordinated-civil>.

In Oregon all persons are “entitled to the full and equal accommodations, advantages, facilities and privileges of any place of public accommodation, without any distinction, discrimination or restriction on account of race, color, religion, sex, sexual orientation, national origin, marital status or age”. ORS 659A.403. Any location that is providing COVID-19 vaccinations is a place of public accommodation and therefore must ensure that everyone who is eligible for vaccination have equal access to the vaccination site.

Compliance with disability laws

As stated above, any location that is providing COVID-19 vaccinations is considered a place of public accommodation and therefore must comply with the Americans with Disabilities Act (ADA). Under the ADA, a place of public accommodation must provide reasonable accommodations to those with a disability, unless doing so would cause significant difficulty or expense. COVID-19 vaccine sites should anticipate and be prepared to provide vaccinations to people who have disabilities, including physical, developmental, cognitive, psychological, and invisible disabilities.

In Oregon, it is unlawful for any place of public accommodation or any person acting on behalf of such place, to make any distinction, to discriminate or create a restriction because a customer or patron is an individual with a disability. ORS 659A.142.

Compliance with language access laws

A vaccination administration site that is receiving any federal funding² must comply with Title VI of the Civil Rights Act.³ HHS has issued a statement reiterating the importance of providing information related to COVID-19 in languages other than English:

Large numbers of people in the United States do not read or understand English well. *
* * Federal, state, and local public messaging on pandemic safety measures and recovery efforts should be provided in the wide array of languages spoken by people with limited English proficiency. * * * Title VI requires recipients of Federal financial

¹ <https://www.hhs.gov/civil-rights/for-providers/civil-rights-covid19/index.html>.

² A provider participating in the Medicaid or Medicare programs is considered a recipient of federal funds for purposes of Title VI. In addition, any entity receiving COVID-19 related funding from the Oregon Health Authority would be a recipient of federal funds and thus subject to Title VI since the source of those funds are federal.

³ 42 U.S.C. § 2000d. Language is considered part of National Origin for purposes of Title VI.

assistance to provide meaningful access to Federally-funded programs and activities to people with limited English proficiency.⁴

Under Title VI, recipients of federal funds are required to address, consistent with the core objectives of the federally assisted programs or activities, the specific language needs of their LEP beneficiaries which would otherwise be artificial barriers to full and meaningful participation in the federally assisted program or activity. This requires that vaccination administration sites evaluate how an LEP person's ability to understand oral and written information provided by and about the vaccination services in only English might adversely impact their ability to fully participate in or benefit from the services. A vaccine administration site must evaluate how a person's ability to understand information beginning with how to schedule a vaccination appointment, to the signage at the vaccination site, to the information about the vaccine and its administration, based on their LEP, would impact their ability and willingness to get a COVID-19 vaccine. Based on the evaluation, processes must be developed and implemented to provide information in alternate formats and non-English languages.

Accommodations for people with disabilities

In order to comply with the laws identified above, an operator of a vaccination administration site should:

- Have policies and procedures that address how the site will serve people with disabilities, including but not limited to:
 - How the site will communicate effectively with people with disabilities (e.g. physical, developmental, cognitive, psychological and invisible disabilities);
 - A process for receiving, responding, and documenting ADA complaints;
 - How the site will serve individuals who cannot wear a face covering or mask due to a disability; and
 - Identification of a person responsible for ensuring compliance with the policies and procedures which must be provided to OHA upon request.
- Have a site that is physically accessible for people with disabilities.
- Provide restrooms that are ADA compliant.
- Provide ADA accessible parking.
- Post signs in large print, in conspicuous places, in more than one language, plainly displaying who to contact regarding accessibility issues, and how to contact them.
- Have a designated site coordinator available who can respond to and resolve issues and questions regarding accessibility as they arise.

⁴ <https://www.justice.gov/opa/pr/statement-principal-deputy-assistant-attorney-general-civil-rights-leading-coordinated-civil>. More information about ensuring language access and the concentration of, and languages spoken by, persons with limited English proficiency in a particular community can be found at <https://www.lep.gov> and <https://www.lep.gov/maps/>.

- The site coordinator should have received [disability awareness training](#) in order to meet accommodation requests successfully.
- All site staff and volunteers should know how to reach the site coordinator.
- Permit an individual to have a service animal in accordance with [ORS 659A.143](#).
- Ensure that the vaccination administration site complies with the ADA, including ensuring effective communication and providing reasonable accommodations that may include but are not limited to:
 - Having simple, plain-language written materials for individuals with developmental or cognitive disabilities who process information in writing (as opposed to verbally).
 - Posting signs in large print for people who have low vision.
 - Having large print materials throughout the site.
 - Providing an ADA entrance that allows people with additional needs including people with intellectual and developmental disabilities to receive expedited and customized services.
 - Providing transparent face coverings to staff and members of the public so that those individuals who read lips can effectively communicate.
 - Offering assistance to vaccine recipients who are Blind, Deaf-Blind, or other disability related to vision to ensure that they can access written information.
 - Providing augmentative or alternative communication options for individuals who have difficulty speaking.
 - Providing on-site or virtual interpretation support for American Sign Language (ASL) and other languages.
 - Having a safe and accessible drop off and pick-up locations.
 - Provide designated low light and quiet privacy areas for individuals who need sensory breaks.
 - Proactively ask everyone attending a vaccine site, “Do you need interpretation services or an accommodation to get your vaccine today?”

Language access

An operator of a vaccination administration site must:

- As required by the federal government, give individuals or their legally authorized health care representatives the Fact Sheet for Recipients and Caregivers for the specific vaccine in their primary language. Fact sheets can be found on the FDA website: <https://www.fda.gov/emergency-preparedness-and-response/coronavirus-disease-2019-covid-19/covid-19-vaccines>.

In order to comply with the laws identified above, an operator of a vaccination administration site should:

- Have policies and procedures that address how the site will serve people who have LEP, including but not limited to:
 - How the site will communicate effectively with people with LEP;
 - A process for receiving, responding, and documenting language access complaints which must be provided to OHA upon request; and
 - Identification of a person responsible for ensuring compliance with the policies and procedures which must be provided to OHA upon request.
- Post signs in large print, in conspicuous places, in more than one language, plainly displaying who to contact regarding language access issues, and how to contact them.
- Have a designated site coordinator available who can respond to and resolve issues and questions regarding language access as they arise.
 - The site coordinator should have knowledge and experience using interpretation services.
 - All site staff and volunteers should know how to reach the site coordinator.
- Provide information and signs in languages other than English in the prevalent non-English languages in the service area.
- Provide individuals or their legally authorized health care representatives with prompt interpreter services.
 - Providing in-person interpretation services is the preferred method, but interpretation can include access to a telephonic or video language line for people with limited English proficiency, to ensure that all information provided is available in the individual's primary language, including ASL if needed.
 - Operators should not rely on the following for translation services:
 - ◆ Google Translate or similar artificial intelligence platform; or
 - ◆ An individual's family member or friend.
- Have all written documents appropriately translated in the prevalent non-English languages in the service area.
- Have language access signage to allow individuals to request language access at the following locations:
 - Site entrance(s)
 - Drop-off area
 - Registration areas
 - "Meet and greet" areas
 - The vehicle staging / waiting area
 - Vaccination Area
 - Post-Vaccine Monitoring Area

- Provide directional signage in the most prevalent non-English languages in the service area and/or with pictograms.
- Ensure multilingual staff are identifiable and that all staff are aware of on-site language resources including bi- and multi-lingual staff members and virtual and telephonic interpretation options.
- Ask all participants “Do you need interpretation services or an accommodation to get your vaccine today?”
- Ensure all volunteers and staff have quick access to [“I speak” identification cards](#) and know how to contact the site administrator.

Resources

- [Healthcare and Face Coverings: Reducing Communication Barriers for Deaf and Hard of Hearing Patients](#)
- [FEMA Civil Rights Considerations During COVID-19 Vaccine Distribution Efforts](#)
- [HHS Ensuring Language Access and Effective Communication During Response and Recovery: A Checklist for Emergency Responders](#)
- [ADA Guidance for Emergency Managers and Local Public Health Authorities](#)
- [Communication Cards for People Who Cannot Speak](#)
- [Providing culturally and linguistically appropriate services during the COVID-19 emergency \(For CCOs and OHP Enrolled Providers\)](#)
- [Disability Access in Vaccine Distribution](#)
- For information about the rights and responsibilities under the ADA and Section 504 of the Rehabilitation Act (Section 504) you can contact the federal ADA Information Line at 800-514-0301 (voice) or 800- 514-0383 (TTY) or [visit https://www.ada.gov/](https://www.ada.gov/). Additional relevant information can be found on the U.S. Department of Health and Human Services’ Office for Civil Rights’ website at <https://www.hhs.gov/civil-rights/for-providers/civil-rights-covid19/>.
- To start identifying some of the commonly spoken languages in your area please visit the [LEP.GOV Language Map App](#). For more detailed information regarding languages spoken in your community consider partnering with community-based organizations (CBOs) in your area. Additional language data sources may include information from a local school district, your local department of human services office or the [Coordinated Care Organization in your county](#).
- **OHA COVID-19 Vaccine Website:** <http://healthoregon.org/covidvaccine>
- **OHA COVID-19 en Español:** <http://healthoregon.org/vacunacovid>

Questions or concerns?

If you have other questions related to COVID-19 vaccines, please send your questions to one of the following, so OHA can assist.

- General vaccine questions: ORCOVID@211info.org
- For help getting a vaccine or for general information, contact: 211
- COVID-19 vaccine provider enrollment: Vaccine.ProviderEnroll@dhsoha.state.or.us
- For complaints related to vaccine access contact us at covidvaccine.complaints@dhsoha.state.or.us, or 877-642-0450 / 503-947-2346

Document accessibility: For individuals with disabilities or individuals who speak a language other than English, OHA can provide information in alternate formats such as translations, large print, or braille. Contact the Health Information Center at 1-971-673-2411, 711 TTY or COVID19.LanguageAccess@dhsoha.state.or.us