

The ACCME has received this brief explanation from its legal counsel of the ADA requirements as it applies to CME activities:

Under Title III of the Americans with Disabilities Act, entities that meet the statutory definition of “places of public accommodation”^{1,2} (which includes educational institutions such as ACCME accredited providers) are prohibited from discriminating against individuals on the basis of disability in the full and equal enjoyment of their services and privileges, and they must accommodate persons with disabilities by modifying their policies and practices, removing structural and communications barriers and providing auxiliary aids and services to ensure “*effective communication*” *at no charge to the individual*.³

The requirement for equal access and enjoyment precludes the use of separate facilities or methods that do not allow people with disabilities to participate fully in the service or activity. Furthermore, the Analysis⁴ to the regulations clarifies that Congress “*expects that public accommodations will consult with the individual with a disability before providing a particular auxiliary aid or service.*”

There are limited exceptions to the requirement to provide modifications, removal of barriers and auxiliary aids: Such measures are not required if they would **a)** fundamentally alter the nature of the service, or **b)** would constitute an undue burden or expense, i.e., the overall financial impact on the entity as a whole would be too great.

Auxiliary aids for deaf and hard-of-hearing people that are specifically listed in the regulations⁵ include: “[q]ualified interpreters, note takers, computer-aided transcriptions services, written materials [and other] effective methods of making aurally delivered materials available to individuals with hearing impairments.” The regulations⁶ go on to state that a “qualified interpreter” is someone “...who is able to interpret effectively, accurately and impartially both receptively and expressively, using any necessary specialized vocabulary.”

¹ Places of public accommodations include entities that do business with or serve the public, such as hotels, theaters, restaurants, shopping malls, stores, office buildings and private social service agencies. 42 U.S.C. 12181; 29 C.F.R. 36.303(b)(4); <http://www.dol.gov/odep/pubs/fact/ada92fs.htm>

² **The specific definition of “public accommodation,” found at 42 U.S.C. Section 12181, is as follows:**

The following private entities are considered public accommodations for purposes of this subchapter, if the operations of such entities affect commerce --

- (A) an inn, hotel, motel, or other place of lodging, except for an establishment located within a building that contains not more than five rooms for rent or hire and that is actually occupied by the proprietor of such establishment as the residence of such proprietor;
- (B) a restaurant, bar, or other establishment serving food or drink;
- (C) a motion picture house, theater, concert hall, stadium, or other place of exhibition or entertainment;
- (D) an auditorium, convention center, lecture hall, or other place of public gathering;
- (E) a bakery, grocery store, clothing store, hardware store, shopping center, or other sales or rental establishment;
- (F) a laundromat, dry-cleaner, bank, barber shop, beauty shop, travel service, shoe repair service, funeral parlor, gas station, office of an accountant or lawyer, pharmacy, insurance office, professional office of a health care provider, hospital, or other service establishment;
- (G) a terminal, depot, or other station used for specified public transportation;
- (H) a museum, library, gallery, or other place of public display or collection;
- (I) a park, zoo, amusement park, or other place of recreation;
- (J) a nursery, elementary, secondary, undergraduate, or postgraduate private school, or other place of education;
- (K) a day care center, senior citizen center, homeless shelter, food bank, adoption agency, or other social service center establishment; and
- (L) a gymnasium, health spa, bowling alley, golf course, or other place of exercise or recreation.”

³ 42 U.S.C. Section 12182

⁴ 56 Fed. Reg. at 35567

⁵ 29 C.F.R. 36.303(b)(1)

⁶ 29 C.F.R. 36.303(b)(1)