

Health Reform Bill Mandates Standards for Medical Diagnostic Equipment to Accommodate Individuals with Disabilities

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The Senate Health, Education, Labor and Pensions Committee recently released a draft of a health reform bill, titled the Affordable Health Choices Act (“AHCA”), which contains a provision that, if enacted, will significantly affect all types of health care manufacturers and providers. This provision amends Title V of the Rehabilitation Act of 1973 (“Rehab Act”) by adding a new section that requires the Architectural and Transportation Barriers Compliance Board (“ATBCB”) to publish standards for medical diagnostic equipment to accommodate the needs of individuals with disabilities. Particularly, these new standards will require all medical diagnostic equipment to meet minimum technical criteria to ensure that individuals with disabilities (a) have access to and use of the equipment, and (b) will independently be able to enter, use, and exit the equipment to the maximum extent possible. The medical diagnostic equipment explicitly mentioned in this provision includes examination tables and chairs, weight scales, and radiological equipment.

A similar bill, titled Promoting Wellness for Individuals with Disabilities Act of 2009 (“PWIDA”), had been introduced in the House. Currently before the Subcommittee on Higher Education, Lifelong Learning, and Competitiveness, this bill also amends Title V of the Rehab Act by requiring the Board to issue and periodically review standards setting forth the minimum technical criteria for medical diagnostic equipment used in medical settings to ensure that such “equipment is accessible to, and usable by, individuals with disabilities, and ... allow[s] independent entry to, use of, and exit from the equipment by such individuals to the maximum extent possible.”

If either the AHCA or PWIDA is passed in their current form, health care manufacturers and providers will be bound, for the first time, by regulations mandating the minimum design standards of medical equipment to accommodate individuals with disabilities. Given the broad range of disabilities covered under the Rehab Act, compliance with the new standards would undoubtedly result in increased costs for manufacturers and providers, as for example, the design of radiologic and

exam equipment to accommodate the morbidly obese. Another potential issue is the impact of the bills, if enacted, on exam tables that may be used by some individuals with mobility impairments who cannot get on a conventional exam table without assistance or great difficulty.

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