

## **PROVIDING SUFFICIENT MEDICAL DOCUMENTATION IN SUPPORT OF A PATIENT'S ACCOMMODATION REQUEST**

Under the Americans with Disabilities Act (ADA), covered employers must provide reasonable accommodations for employees with disabilities. By providing sufficient medical documentation in support of a patient's accommodation request, medical professionals can play a key role in the success of workplace accommodations. The following information is intended to aid you in requesting supporting documentation from your medical provider, as described in Section VI ( C) of the Bowie State University Reasonable Accommodations Plan and procedures.

### **Using Letterhead**

To save time and help insure that medical documentation is sufficient, documentation letters should be on the letterhead of the treating physician, medical group, etc.

### **What to Include: Documenting Disability**

Under the ADA, when an employee requests an accommodation and the disability is neither known nor obvious, employers can require medical documentation that the disability exists. The ADA contains a specific definition of disability: an impairment that substantially limits one or more major life activities. Therefore, when documenting a patient's disability, medical professionals may want to use the ADA's specific language so the information will be helpful for employers. Each letter should include the below information.

*Patient's Diagnosed Impairment-* Even if the patient has explained their symptoms in general terms on an application, certified diagnosis from a medical professional is required for sufficient documentation. According to the Equal Employment Opportunity Commission (EEOC), documentation is insufficient if it does not specify the existence of an ADA disability and explain the need for reasonable accommodation.

*"Major Life Activity Substantially Limited" by the disability-* There are two categories of major life activities. The first includes, but is not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

The second category of major life activities is major bodily functions, which includes, but is not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

For more information, see How to Determine Whether a Person Has a Disability under the Americans with Disabilities Act Amendments Act (ADAAA) at <https://AskJAN.org/publications/consultants-corner/vol05iss04.cfm>.

The BSU Office of Equity Compliance uses the above information to assess whether the employee is disabled per the ADA definition. If a disability is established, employers have an obligation to accommodate any limitations *resulting from the disability*, even limitations that are not substantial. One important thing to remember is that the major life activity that establishes that a patient has a disability is not necessarily the same major life activity impacting the patient's ability to perform their work duties.

*Recommended Accommodations (If Any)* - Under the ADA, employers are responsible for coming up with and providing effective accommodations. When determining which accommodations are both reasonable, as the law requires, and appropriate to be effective for the employee, it can be helpful to have the treating physician's insight about which accommodations may be suitable. For full consideration of recommendations, this part of the medical documentation letter should describe the impact the disability has on the patient's ability to work, their limitations and why they are a problem for work. The goal here is to help the employer understand the problem and start exploring solutions. Here are a few examples:

Example A: Because of Patient X's depression and associated concentration problems, she is having difficulty completing reports on time. One accommodation that might be helpful is to reduce distractions in her workspace. This could be done by moving her to a private office or providing a headset with white noise.

Example B: Because of Patient X's rotator cuff injury and his associated limitations of lifting no more than 25 pounds, pushing/pulling no more than 50 pounds, and no overhead work, he is having difficulty moving some of the boxes in the warehouse. Accommodations that might be helpful include a height-adjustable lifting device, a small lightweight ladder, and help moving some of the heavier boxes.

Example C: Because of Patient X's progressive vision loss and associated blurred vision, she is having difficulty reading her computer screen. One accommodation that might be useful for her computer access is screen-reading software.

### **Offering to Follow Up**

When making an accommodation request, employees want to be careful not to lock themselves into only one accommodation solution because if the employer cannot provide that accommodation, the employer may ultimately conclude that an employee is no longer qualified to perform their job duties. In the final section of a medical documentation letter, medical professionals should offer to address any specific questions the employer has about the employee's accommodation needs and to discuss other accommodation options if needed.

**Medical Documentation Letter**

**[Letterhead]**

Dear Employer Name

I am treating Patient Name for diagnosed impairment, which causes substantial limitations in the major life activity(s) of major life activity or activities impacted by the diagnosed impairment.

Because of Patient Name's diagnosed impairment and associated limitation, he/she has difficulty work-related problem and needs an accommodation. Patient Name and I discussed the situation and came up with the following accommodation ideas:

List accommodation ideas here, and briefly explain how each will address the work-related problem.

If these accommodations cannot be provided, please let Patient Name know so we can discuss alternatives.

Sincerely,

Medical Professional's Signature

Medical Professional's Name