



U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Office for Civil Rights

HHS Office for Civil Rights Guidance on Federal Legal Standards Prohibiting Disability Discrimination in COVID-19 Vaccination Programs

The Office for Civil Rights has made clear that during emergencies, such as the COVID-19 pandemic, [civil rights laws remain in effect](#). These laws include Section 504 of the Rehabilitation Act and Section 1557 of the Affordable Care Act which, among other things, prohibit discrimination on the basis of disability.¹ This guidance sets out legal standards under Section 504 and Section 1557 as well as examples of the application of the legal standards in the context of COVID-19 vaccine programs. Links to best practices to implement these legal standards and additional information about civil rights protections prohibiting discrimination on the basis of race, color, national origin and ensuring the civil rights of persons with limited English Proficiency during COVID-19 are included at the end of this guidance.

General. No qualified individual with a disability, may, based on disability, be excluded from participation in or be denied the benefits of services, programs, or activities of a covered entity, or otherwise be subjected to discrimination by a covered entity.

Example: A covered entity may not assign a lower priority to individuals with disabilities, such as individuals with a developmental disability, for a vaccine, based on social stigma or stereotypes about disability, or assessments of quality of life or judgments about an individual's relative worth based on a disability.

Eligibility Criteria. A covered entity may not use eligibility criteria that screen out or tend to screen out an individual with a disability or a group of individuals with disabilities, unless the criteria are necessary for the provision of the service, program, or activity being offered.

Criteria or Methods of Administration. A covered entity may not use criteria or methods of administration that have the effect of subjecting individuals with disabilities to discrimination on the basis of disability.

Example: An inflexible requirement that people perform certain tasks for themselves as part of the process, such as completing paperwork at the vaccine site or rolling up one's sleeve to get vaccinated, could have a discriminatory effect on individuals with disabilities.

Reasonable Modifications. A covered entity must make reasonable modifications in policies, practices, or procedures, when necessary to avoid discrimination on the basis of disability, unless making the modifications would fundamentally alter the nature of the service, program, or activity.

Example: Some persons who are immunocompromised may require greater social distancing than is typically required to navigate a vaccination site safely. On request,

¹ Other Federal civil rights laws, such as Titles II and III of the Americans with Disabilities Act, also protect individuals with disabilities.

a covered entity must modify its social distancing requirements to permit individuals with disabilities to access vaccination sites safely, so long as the modifications would not fundamentally alter the vaccination program. Some people with disabilities may require assistance from a designated support person to attend their vaccination appointment. Generally, even if the provider does not allow individuals to bring someone with them, it must modify its policy to allow the individual with a disability to bring a support person with them to the appointment. Some individuals with disabilities may be unable, because of the disability, to keep a mask on for a long period of time in a vaccination facility. In that situation, a reasonable modification may be to allow the individual to fill out the paperwork for check-in at home or outside the facility, limit the time that the individual is inside to receive the vaccine, or offer curbside or in-home vaccinations. Similarly, if some individuals with disabilities have difficulty, because of a disability, standing in line for long periods of time, the program can provide seating for those individuals. The program can also provide indoor seating to those unable to stay outside in extreme temperature because of a disability, without changing the individual's place in the line.

Effective Communication. A covered entity must take appropriate steps to ensure that communications with individuals with disabilities are as effective as communications with others and provide appropriate auxiliary aids and services where necessary to afford a qualified individual with a disability an equal opportunity to participate in the service, program or activity. Auxiliary aids and services include large print materials, captioning of videos, Video Remote Interpreting, and the Telecommunications Relay Service.

Example: A covered entity must ensure that its vaccine registration and scheduling process provided through on-line registration is accessible to individuals with disabilities, including those who use assistive technology to access the internet.

Program Accessibility. No individual with a disability may, because a covered entity's facilities are inaccessible, be excluded from participation in or be denied the benefits of services, programs, or activities of a covered entity, or otherwise be subjected to discrimination by a covered entity.

In determining the site or location of a facility, a covered entity may not make a selection that has the effect of excluding, denying participation to, or otherwise discriminating against a qualified individual with a disability.

Example: A vaccine program may include several vaccine sites, not just a single site. If some sites - but not others - are accessible, a covered entity can make the program accessible by providing curbside vaccinations, home visits, or vaccination at another, accessible location, or using other ways of making the program accessible. If a county vaccine program selects one or more sites for distribution of a vaccine, and individuals with mobility disabilities are unable to travel to any of the vaccination sites for reasons related to their disabilities, the program will have to find an alternative way to provide individuals with disabilities access to the vaccine program, which could include the provision of transportation to the site or, vaccine administration at home or at a site to which individuals with disabilities are able to travel.

For further information, see:

- HHS Office for Civil Rights Fact Sheet: Disability Access in Vaccine Distribution
<https://www.hhs.gov/sites/default/files/disability-access-vaccine-distribution.pdf>
- HHS Administration on Community Living: Strategies for Helping Older Adults and People with Disabilities Access COVID-19 Vaccines:
https://acl.gov/sites/default/files/2021-04/ACLStrategiesVaccineAccess_Final.pdf
- HHS Office for Civil Rights Guidance on Ensuring the Rights of Persons with Limited English Proficiency in Health Care During COVID-19:
<https://www.hhs.gov/sites/default/files/lep-bulletin-5-15-2020-english.pdf>
- HHS Office for Civil Rights Guidance on Civil Rights Protections Prohibiting Race, Color and National Origin Discrimination During COVID-19:
<https://www.hhs.gov/sites/default/files/title-vi-bulletin.pdf>
- HHS Office for Civil Rights webpage on Civil Rights and COVID-19:
www.hhs.gov/civil-rights/for-providers/civil-rights-covid19/index.html
- Statement by the Principal Deputy Assistant Attorney General for Civil Rights Leading a Coordinated Civil Rights Response to Coronavirus (COVID-19),
www.justice.gov/opa/pr/statement-principal-deputy-assistant-attorney-general-civil-rights-leading-coordinated-civill

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