

# Working with Consumers with Disabilities



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# Contents

Course Introduction .....	4
Welcome.....	4
Disclaimers .....	5
Definitions .....	7
Course Goal.....	8
Disclaimer: Federal Provisions Prohibiting Discrimination .....	9
Additional Disclaimers.....	11
Working with Consumers with Disabilities: Laws and Regulations .....	14
Section 1557 of The Patient Protection and Affordable Care Act: Introduction .....	14
Section 1557 of The Patient Protection and Affordable Care Act: Overview.....	15
Definition of a Person with a Disability .....	16
Key Section 1557 Requirements for Navigators.....	17
Additional Section 1557 Requirements for Navigators.....	18
Section 1557 Requirements for Certified Application Counselors (CACs) .....	19
CMS Marketplace Regulation Requirements for Navigators.....	20
Additional CMS Marketplace Regulation Requirements for Navigators .....	21
CMS Marketplace Regulation Requirements for CACs .....	22
Knowledge Check .....	23
Key Points.....	24
Appropriate Services and Accommodations .....	25
Introduction .....	25
Appropriate Accommodations for Consumers With Disabilities .....	26
Accessibility for Consumers With Physical Disabilities Outside of Your Facility.....	27
Accessibility for Consumers With Physical Disabilities Inside of Your Facility .....	28
Knowledge Check .....	29
Accommodating Consumers with Cognitive Impairments or Intellectual Disabilities .....	30
Accommodating Consumers Who Are Deaf or Hard of Hearing .....	33
Knowledge Check .....	35
Key Points.....	36
Best Practices and Etiquette.....	37
Introduction to Best Practices and Etiquette When Providing Services .....	37

Guidelines to Remember ..... 38

Best Practices for Communicating With Consumers With Disabilities ..... 40

Best Practices for Communicating with Consumers With Physical or Mental Impairments ..... 42

Introduction to Application Assistance ..... 46

    Introduction ..... 46

    Coverage Considerations for Consumers With Disabilities ..... 47

    Working With Consumers With Disabilities to Identify Health Coverage Options ..... 52

    Options Outside the FFMs for Consumers With Disabilities ..... 53

Conclusion ..... 58

Resources ..... 59

    Working with Consumers with Disabilities Resources ..... 59

# Course Introduction

## Welcome

The screenshot shows a digital slide titled "Welcome" from a course introduction. At the top, there are navigation options: "Course Introduction", "Text Version" (with a toggle switch), and "Exit Course". The main content area is divided into two sections. On the left, a large white box with a grey border contains the heading "Can you answer these questions?" followed by three questions: "Who is defined as a person with a disability under federal laws that apply to your work as an assister?", "Do you know how to identify which accommodations might be appropriate for a specific consumer with a disability?", and "Are there best practices for communicating with consumers with disabilities?". On the right, a woman named Taniya is standing and pointing towards the questions. A speech bubble next to her contains a welcome message and a detailed introduction of her role as a course assistant, explaining that she will help learners understand the answers to the questions and that they will learn to work effectively with people who have various disabilities, including physical, intellectual, cognitive, hearing, speech, and/or vision impairments. The bottom of the slide features a navigation bar with icons for "Menu", "Help", "Glossary", "Resources", and "Map", along with the text "Module 1 of 5", "Page 1 of 6", and navigation arrows.

Hi! Welcome to the Working with Consumers with Disabilities course!

I'm Taniya, and I'll be helping you learn the answers to these questions and more throughout the course. As part of your duties, you should be able to work effectively with people who have physical or intellectual disabilities; cognitive, hearing, speech, and/or vision impairments; or other disabilities that may warrant accommodations. In some cases, you may be required to provide information and assistance in a manner that is accessible to persons with disabilities.

Who is defined as a person with a disability under federal laws that apply to your work as an assister?

Do you know how to identify which accommodations might be appropriate for a specific consumer with a disability?

Are there best practices for communicating with consumers with disabilities?

## Disclaimers

The screenshot shows a training course interface. At the top, there is a navigation bar with "Course Introduction" on the left, "Text Version" with a toggle switch in the "OFF" position in the center, and "Exit Course" on the right. Below this is a blue header with the word "Disclaimers". The main content area features a woman in a blue shirt and black skirt pointing towards a large tablet. A speech bubble next to her says: "You need to be aware of these training disclaimers. Select 'Continue' on the tablet to read each disclaimer." The tablet screen displays the following text: "The Patient Protection and Affordable Care Act (PPACA) and associated regulations refer to Health Insurance Marketplaces as American Health Benefit Exchanges, Health Insurance Exchanges, or Exchanges. Throughout this training, you'll see the term Marketplace used interchangeably with Exchange." At the bottom of the tablet screen are two buttons: "Previous" and "Continue". The bottom of the screenshot shows a navigation bar with icons for "Menu", "Help", "Glossary", "Resources", and "Map", along with the text "Module 1 of 5" and "Page 2 of 6".

You need to be aware of these training disclaimers.

The Patient Protection and Affordable Care Act (PPACA) and associated regulations refer to Health Insurance Marketplaces as American Health Benefit Exchanges, Health Insurance Exchanges, or Exchanges. Throughout this training, you'll see the term Marketplace used interchangeably with Exchange.

### **Assister Training Content:**

The information provided in this training course is not intended to take the place of the statutes, regulations, and formal policy guidance that it is based upon. This course summarizes current policy and operations as of the date it was uploaded to the Marketplace Learning Management System. Links to certain source documents have been provided for your reference. We encourage persons taking the course to refer to the applicable statutes, regulations, CMS assister webinars, and other interpretive materials for complete and current information.

This course includes references and links to nongovernmental third-party websites. CMS offers these links for informational purposes only, and inclusion of these websites should not be construed as an endorsement of any third-party organization's programs or activities.

### **Coronavirus (COVID-19):**

This training does not address COVID-19-related guidance or related requirements for assisters. CMS will communicate applicable information to assisters and assister organizations through separate channels.

- To learn more about how we're responding to coronavirus, visit [HealthCare.gov/blog/coronavirus-marketplace-coverage/](https://www.hhs.gov/healthcare/blog/coronavirus-marketplace-coverage/).
- For preventive practices and applicable state/local guidance, visit [CDC.gov/coronavirus](https://www.cdc.gov/coronavirus/).

### **Individual Shared Responsibility Payment, Exemptions, and Catastrophic Coverage:**

This course includes numerous references to the Patient Protection and Affordable Care Act's individual shared responsibility provision and exemptions from it. Under the Tax Cuts and Jobs Act, taxpayers must continue to report minimum essential coverage, qualify for an exemption, or pay an individual shared responsibility payment for tax years prior to 2019.

**For tax year 2018 only** (for which consumers generally filed taxes by April 2019), consumers do not have to fill out an application to get a hardship exemption certificate number (ECN). Consumers can claim the exemption without having to submit documentation about the hardship on their 2018 federal tax returns.

**Beginning with tax year 2019**, consumers do not need to make an individual shared responsibility payment or file Form 8965, Health Coverage Exemptions, with their tax returns if they don't have minimum essential coverage for part or all of the tax year.

**For all tax years**, as set forth in §155.305(h), individuals age 30 and above must continue to apply for, obtain, and report an exemption certificate number (ECN) for a Marketplace affordability or hardship exemption if they wish to purchase Catastrophic health coverage.

**Remote Application Assistance:**

Effective June 18, 2018, Navigators in FFMNs are not required to maintain a physical presence in their Marketplace service area. In some cases, Navigators may provide remote application assistance (e.g., online or by phone), provided that such assistance is permissible under their organization's contract, grant terms and conditions, or agreement with CMS and/or their organization.

Certified application counselors in FFMNs may also provide remote application assistance if such assistance is permissible with their certified application counselor designated organization (CDO).

For guidance on obtaining consumers' consent remotely over the phone, visit: [Marketplace.cms.gov/technical-assistance-resources/obtain-consumer-authorization.pdf](https://www.cms.gov/technical-assistance-resources/obtain-consumer-authorization.pdf).

**FFM Navigator Duties:**

Beginning with Navigator grants awarded in 2019, FFM Navigators may but are no longer required to provide information on or assist consumers with the following topics:

1. Understanding the process of filing Marketplace eligibility appeals;
2. Understanding and applying for exemptions from the individual shared responsibility provision granted through the Marketplace and/or claimed through the tax filing process;
3. Marketplace-related components of the premium tax credit reconciliation process;
4. Understanding basic concepts and rights related to health coverage and how to use it; and
5. Referrals to licensed tax advisers, tax preparers, or other resources for assistance with tax preparation and tax advice related to consumer questions about the Marketplace application and enrollment process, exemptions from the requirement to maintain minimum essential coverage and from the individual shared responsibility payment, and premium tax credit reconciliations.

CMS will continue to provide all assisters with additional information related to these assistance activities through webinars, job aids, and other technical assistance resources.

**Section 1557 of the Patient Protection and Affordable Care Act:**

This training content reflects the requirements of the Section 1557 Final Rule published on June 19, 2020 (85 FR 37160). Some of these requirements may change pending the outcome of lawsuits brought against HHS seeking declaratory and injunctive relief from the Final Rule, and are also affected by previous court orders dating back to December 2016 that continue to be litigated.

## Definitions

Course Introduction Text Version  Exit Course

### Definitions

In this lesson, the terms you and assister refer to the following types of assisters:  
Select each nametag.



**HealthCare.gov**  
**Navigators**  
in Federally-facilitated Marketplaces



**HealthCare.gov**  
**Certified application counselors**  
in Federally-facilitated Marketplaces

Note: In some cases, "you" is also used to refer to a consumer but it should be clear when this is the intended meaning.  
The terms Federally-facilitated Marketplace and FFM, as used in this training course, include FFMs where the state performs plan management functions. The terms "Marketplace" or "Marketplaces," standing alone, often (but not always) refer to FFMs.  
In this course, the term PPACA refers to the Patient Protection and Affordable Care Act as amended by the Health Care and Education Reconciliation Act of 2010.  
In this course, the term disability is defined by the Department of Health and Human Services (HHS) Office for Civil Rights (OCR) Final Rule (Final Rule) implementing Section 1557 of the PPACA (45 CFR Part 92) as, "a physical or mental impairment which substantially limits one or more major life activities of such individual; a record of such an impairment; or, is regarded as having such an impairment."

Menu Help Glossary Resources Map Module 1 of 5 Page 3 of 6

In this lesson, the terms you and assister refer to the following types of assisters:

**Navigators** in Federally-facilitated Marketplaces

**Certified application counselors** in Federally-facilitated Marketplaces

Note: In some cases, "you" is also used to refer to a consumer but it should be clear when this is the intended meaning.

The terms Federally-facilitated Marketplace and FFM, as used in this training course, include FFMs where the state performs plan management functions. The terms "Marketplace" or "Marketplaces," standing alone, often (but not always) refer to FFMs.

In this course, the term PPACA refers to the Patient Protection and Affordable Care Act as amended by the Health Care and Education Reconciliation Act of 2010.

In this course, the term disability is defined by the Department of Health and Human Services (HHS) Office for Civil Rights (OCR) Final Rule (Final Rule) implementing Section 1557 of the PPACA (45 CFR Part 92) as, "a physical or mental impairment which substantially limits one or more major life activities of such individual; a record of such an impairment; or, is regarded as having such an impairment."

# Course Goal

The screenshot shows a course interface. At the top, a dark navigation bar contains 'Course Introduction', 'Text Version' (with a red 'ON' indicator), and 'Exit Course'. Below this is a blue header bar labeled 'Course Goal'. The main content area features two large, overlapping arrow-shaped boxes. The left box is blue and contains a target icon, the heading 'Goal:', and a paragraph of text. The right box is light gray and contains a document icon, the heading 'Topics:', and a list of four bullet points. At the bottom, a dark footer bar includes icons for 'Menu', 'Help', 'Glossary', 'Resources', and 'Map', along with the text 'Module 1 of 5', 'Page 4 of 6', and navigation arrows.

## Goal:

In this course, you will learn about federal nondiscrimination requirements to comply with when helping consumers with various disabilities. You'll also learn about legal protections for consumers with disabilities, resources that can help you assist consumers with disabilities, and best practices.

## Topics:

This course includes information on:

- Definition of person with a disability
- Consumer protections under Section 1557 of the PPACA
- Assister duties under Section 1557 of the PPACA and other applicable regulations
- Types of accommodations

# Disclaimer: Federal Provisions Prohibiting Discrimination

Course Introduction Text Version  Exit Course

## Disclaimer: Federal Provisions Prohibiting Discrimination

Select each link for more information.

- [Section 1557 of the PPACA \(42 U.S.C. 18116\)](#)
- [HHS OCR Final Rule \(45 CFR Part 92\)](#)
- [Section 504 of the Rehabilitation Act \(45 CFR Part 84\)](#)
- [CMS Marketplace Regulations](#)

There are several federal provisions prohibiting discrimination and requiring equal access for people with disabilities. These provisions affect how you work with people with disabilities and you must read each one before continuing.

Menu Help Glossary Resources Map Module 1 of 5 Page 5 of 6

There are several federal provisions prohibiting discrimination and requiring equal access for people with disabilities.

Disclaimers

### **Section 1557 of the Patient Protection and Affordable Care Act**

Section 1557 of the PPACA prohibits discrimination based on disability, race, color, national origin (including limited English proficiency), sex, and age and is consistent with established federal civil rights laws.

### **HHS Office for Civil Rights Final Rule (45 CFR Part 92)**

The HHS OCR Final Rule implementing Section 1557 of the PPACA applies to:

1. Health programs and activities, any part of which receives Federal financial assistance (FFA) provided by HHS;
2. Programs and activities administered by HHS under Title I of the PPACA; and
3. Health programs and activities administered by an entity established under Title I of the PPACA, such as an FFM and SBM.

Among other things, the HHS OCR Final Rule requires covered entities to:

1. Make their programs, activities, and facilities physically accessible to individuals with disabilities, in compliance with applicable accessibility standards outlined in the Americans with Disabilities Act (ADA) and Section 504.
2. Make programs and activities provided through information and communication technology (ICT) accessible, including websites, unless doing so would result in undue financial and administrative burdens or a fundamental alteration in the nature of the program or activity.
3. Take appropriate steps to ensure equally effective communication and provide appropriate auxiliary aids and services (such as alternative formats and sign-language interpreters).
4. Make reasonable modifications to policies, practices, and procedures when necessary to provide

equal access for people with disabilities, unless doing so would fundamentally alter the nature of the program or activity.

**Section 504 of the Rehabilitation Act (45 CFR Part 84)**

[Section 504 of the Rehabilitation Act \(45 CFR Part 84\)](#)

**CMS Marketplace Regulations**

Separately, CMS Marketplace regulations govern how assisters in FFMs should serve consumers with disabilities and avoid discrimination based on disability. Some of these regulations apply to FFMs. Some of these regulations apply to Navigators in FFMs. These regulations apply regardless of whether an assister subject to them receives FFA.

## Additional Disclaimers

The screenshot shows a course introduction slide with a dark blue header containing 'Course Introduction', 'Text Version' (with a red toggle switch), and 'Exit Course'. Below the header is a blue bar with the title 'Additional Disclaimers'. The main content is displayed on a tablet graphic with a white background and a black border. The text on the tablet reads: '45 CFR Part 92', 'Additional federal requirements apply to assisters whose organizations receive federal funding, assisters who work with state or local government entities, and assisters who work in public places.', 'We'll cover these requirements over the next few screens.', 'Let's begin with some specific requirements set by the Final Rule that support the implementation of Section 1557.', 'Select this [link](#) for specific requirements.', and 'The requirements listed here are not exhaustive. Go to [45 CFR Part 92](#) to read the complete list of all requirements and prohibitions.' At the bottom of the tablet graphic are six icons representing different regulatory sections: '45 CFR Part 92' (green), '45 CFR Part 155' (blue), '45 CFR Parts 84 and 85' (purple), '28 CFR Part 35' (light blue), '28 CFR Part 36' (teal), and 'Other Regulations' (yellow). Below the tablet graphic is a dark blue navigation bar with icons for 'Menu', 'Help', 'Glossary', 'Resources', 'Map', 'Module 1 of 5', 'Page 6 of 6', and navigation arrows.

### 45 CFR Part 92

Additional federal requirements apply to assisters whose organizations receive federal funding, assisters who work with state or local government entities, and assisters who work in public places.

We'll cover these requirements over the next few screens.

Let's begin with some specific requirements set by the Final Rule that support the implementation of Section 1557.

Requirements related to individuals with disabilities

- Provide services in an accessible manner including physical access, effective communication, information/communication technology, auxiliary aids and services.
- Make reasonable modifications to policies, procedures and practices to provide access to health program/activity.

Applies to assisters in FFM's

- Navigators
- Assisters working for organizations receiving HHS FFA

Applies to assisters in State-based Marketplaces

- Navigators

The requirements listed here are not exhaustive. Go to [45 CFR Part 92](#) to read the complete list of all requirements and prohibitions.

### 45 CFR Part 155

45 CFR Part 155 supports the implementation of CMS Marketplace statutes, including PPACA Sections 1301-1304, 1311-1313, 1321-1322, 1331-1334, 1402, and 1411-13. 45 CFR Sections 155.120, 155.205(c), 155.210(e)(5), 155.215(d)(1)-(6), and 155.225(d)(5) contain requirements that apply to assisters.

Requirements related to individuals with disabilities

- Provide assistance to consumers in a location and manner that is physically and otherwise accessible including consumer education materials, websites, auxiliary aids, and services (at no cost)
- Acquire sufficient knowledge to make referrals to local, state, and federal long-term services and supports when appropriate.
- Work with all individuals and see advice or experts when needed.

Applies to assisters in FFMs

- Navigators

Applies to assisters in State-based Marketplaces

- Navigators

The requirements listed here are not exhaustive. Go to [45 CFR Part 155](#) to read the complete list of all requirements and prohibitions.

### **45 CFR Parts 84 and 85**

The regulations located at 45 CFR Part 84 and Part 85 implement Section 504 of the Rehabilitation Act of 1973.

The Section 504 regulation at 45 CFR Part 84 applies to any program or activity that receives FFA from HHS. The Section 504 regulation at 45 CFR Part 85 applies to HHS conducted programs.

Requirements related to individuals with disabilities

- Ensure equal participation in programs including accessible, usable facilities and effective communication.
- Do not utilize criteria or methods of administration that discriminate.
- Administer programs/activities in the most integrated setting appropriate to an individual's needs.
- If employing 15 or more, provide auxiliary aids (where refusal to do so would impair or exclude participation).
- Provide equally effective aids, benefits, and services (not required to produce the identical result or level of achievement for individuals with and without disabilities but must afford individuals with disabilities equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement).

Applies to assisters in FFMs

- Assisters working for entities that receive FFA
- Assisters working for HHS conducted programs, including the FFMs

Applies to assisters in State-based Marketplaces

- Assisters working for entities that receive federal financial assistance.

The requirements listed here are not exhaustive. Go to [45 CFR Part 84](#) and [45 CFR Part 85](#) to read the complete list of all requirements and prohibitions.

### **28 CFR Part 35**

The regulation at 28 CFR Part 35 supports the implementation of Title II of the ADA. Title II applies to services, programs, and activities provided to the public by state and local government. The physical spaces where these activities occur must comply with applicable accessibility standards as set forth in the ADA (28 CFR Part 35, Subpart D).

Requirements related to individuals with disabilities

- Provide equal and effective access to the services, programs, or activities of a public entity, including buildings, websites, and auxiliary aids/services (at no cost).
- Make reasonable modifications in policies, practices, or procedures when necessary.
- Do not utilize criteria or methods of administration that discriminate.
- Do not impose eligibility criteria that screen out individuals.

- Provide services in most integrating setting appropriate.
- Do not deny services based on a consumer's association with a person with a disability.

Applies to assisters in FFMs

- Assisters working in state/local government or any department, agency, or instrumentality of a state/local government, regardless of whether the entity receives federal financial assistance.

Assisters in State-based Marketplaces

- Assisters working in state/local government or any department, agency, or instrumentality of a state/local government, regardless of whether the entity received federal financial assistance.

The requirements listed here are not exhaustive. Go to [28 CFR Part 35](#) to read the complete list of all requirements and prohibitions.

### **28 CFR Part 36**

The regulation at 28 CFR Part 36 supports the implementation of Title III of the ADA. Title III prohibits discrimination on the basis of disability in the activities of places of public accommodations (e.g., businesses that are generally open to the public) and requires places of public accommodation to comply with applicable physical accessibility standards as specified in the ADA (28 CFR Part 36, Subparts C and D).

Requirements related to individuals with disabilities

- Provide equal access to the goods, services, facilities, including: buildings, websites, auxiliary aids/services (at no cost) to ensure effective communication.
- Maintain features of facilities and equipment required to be readily accessible and usable.
- Make reasonable modifications in policies, practices, or procedures when necessary.
- Do not utilize criteria or methods of administration that discriminate.
- Do not impose eligibility criteria that screen out individuals.
- Provide goods, service and facilities in the most integrated setting appropriate.
- Don not deny goods/services based on a consumer's association with a person with a disability.

Applies to assisters in FFMs

- N/A

Applies to assisters in State-based Marketplaces

- Assisters working in places of public accommodation owned by a private entity (e.g., commercial facilities, as well as social service center establishments, including senior citizen centers and homeless shelters).

The requirements listed here are not exhaustive. Go to [28 CFR Part 36](#) to read the complete list of all requirements and prohibitions.

### **Other Regulations**

The portions of this training that discuss federal laws other than the CMS Marketplace regulations already referenced are intended primarily for assisters whose organizations receive FFA. These individuals must follow all applicable federal antidiscrimination laws and regulations, including Section 1557 of the PPACA and Section 504 of the Rehabilitation Act of 1973.

Assisters who work on behalf of a state or local government or local public entity must comply with Title II of the ADA, which includes providing physically and otherwise accessible meeting locations for consumers with disabilities. If a meeting place is not accessible, these assisters should consider choosing an alternate accessible location.

Remember, you can always refer back to these regulations to understand how best to serve consumers with disabilities. The rest of this course describes how you can implement these regulations to make sure you are providing appropriate services and accommodations to these consumers.

# Working with Consumers with Disabilities: Laws and Regulations

## Section 1557 of The Patient Protection and Affordable Care Act: Introduction

Working with Consumers with Disabilities: Laws and Regulations Text Version  Exit Course

**Section 1557 of The Patient Protection and Affordable Care Act: Introduction**

You should always provide equal opportunities for all consumers you assist, including consumers with disabilities.

- 01 Person with a Disability**  
Define the term disability
- 02 Consumer Protections under Section 1557**  
Describe [Section 1557 of the PPACA](#), covered entities, and legal protections of consumers with disabilities
- 03 Assister Duties under Applicable Regulations**  
Describe assister duties under the applicable regulations

Menu Help Glossary Resources Map Module 2 of 5 Page 1 of 11

You should always provide equal opportunities for all consumers you assist, including consumers with disabilities.

Section 1557 is consistent with established federal civil rights laws, including the ADA and Section 504 of the Rehabilitation Act.

### **Person with a Disability**

Define the term disability

### **Consumer Protections under Section 1557**

Describe Section 1557 of the PPACA, covered entities, and legal protections of consumers with disabilities

Under Section 1557, any health program or activity that receives FFA cannot discriminate against individuals with disabilities or deny them participation or benefits based on disability or other discriminatory factors.

### **Assister Duties under Applicable Regulations**

Describe assister duties under the applicable regulations

## Section 1557 of The Patient Protection and Affordable Care Act: Overview

Working with Consumers with Disabilities: Laws and Regulations Text Version ON Exit Course

Section 1557 of The Patient Protection and Affordable Care Act: Overview

In this lesson, we will discuss the federal requirements under the Section 1557 regulations that apply to each type of assister when serving consumers with disabilities. This includes Navigators and CACs.

The PPACA Section 1557 regulation is also called the "[Health and Human Services \(HHS\) Office for Civil Rights \(OCR\) Final Rule](#)" or the "Final Rule."

CACs that do not receive federal funding should abide by the requirements of their CAC designated organizations (CDOs).

Select the link to the Final Rule for more information.

Menu Help Glossary Resources Map Module 2 of 5 Page 2 of 11

In this lesson, we will discuss the federal requirements under the Section 1557 regulations that apply to each type of assister when serving consumers with disabilities. This includes Navigators and CACs.

The PPACA Section 1557 regulation is also called the "[Health and Human Services \(HHS\) Office for Civil Rights \(OCR\) Final Rule](#)" or the "Final Rule."

CACs that do not receive federal funding should abide by the requirements of their CAC designated organizations (CDOs).

Select the link to the Final Rule for more information.

## Definition of a Person with a Disability

Working with Consumers with Disabilities: Laws and Regulations Text Version  Exit Course

### Definition of a Person with a Disability

Under federal regulations, an individual with a disability is defined as a person who has a [physical or mental impairment](#) that substantially limits one or more [major life activities](#).

This includes people who have a record of an impairment even if they do not currently have a disability. It also includes people who do not have a disability but are regarded as having an impairment.

This definition of disability is found in the [HHS OCR Final Rule](#) implementing Section 1557 of the PPACA.



Menu Help Glossary Resources Map Module 2 of 5 Page 3 of 11

Under federal regulations, an individual with a disability is defined as a person who has a **physical or mental impairment** that substantially limits one or more **major life activities**.

This includes people who have a record of an impairment even if they do not currently have a disability. It also includes people who do not have a disability but are regarded as having an impairment.

This definition of disability is found in the [HHS OCR Final Rule](#) implementing Section 1557 of the PPACA.

**Physical or mental impairment** includes, but is not limited to, contagious and noncontagious diseases and conditions such as the following: orthopedic, visual, speech, and hearing impairments, and cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia and other specific learning disabilities, Attention Deficit Hyperactivity Disorder, Human Immunodeficiency Virus infection (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

**Major life activities** include caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

Major life activities also include the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

# Key Section 1557 Requirements for Navigators

Working with Consumers with Disabilities: Laws and Regulations Text Version ON Exit Course

## Key Section 1557 Requirements for Navigators



The Section 1557 regulation sets out specific requirements that Navigators must meet to provide physical accessibility and effective communication. Navigators are also required to comply with the requirements in the Section 504 regulation.

### Key Section 1557 Requirements

Physical Accessibility	Effective Communication
<ul style="list-style-type: none"><li>- Ensure physical accessibility of newly constructed or altered facilities.</li></ul>	<ul style="list-style-type: none"><li>- Take reasonable steps to ensure equally effective communication and provide appropriate auxiliary aids and services (such as alternative formats and sign language interpreters).</li><li>- Make all programs and activities provided through information and communication technology accessible, unless doing so would result in undue financial and administrative burdens or a fundamental alteration in the nature of the program or activity.</li></ul>

The requirements listed here are not exhaustive. Go to the [Final Rule \(45 CFR Part 92\)](#) to read the complete list of all requirements and prohibitions.

Menu Help Glossary Resources Map Module 2 of 5 Page 4 of 11

Section 1557 regulations set out specific requirements that Navigators must meet to provide physical accessibility and effective communication.

## Key Section 1557 Requirements

### Physical Accessibility

- Ensure physical accessibility of newly constructed or altered facilities

### Effective Communication

- Take reasonable steps to ensure to equally effective communication and provide appropriate auxiliary aids and services (such as alternative formats and sign language interpreters).
- Make all programs and activities provided through information and communication technology accessible, unless doing so would result in undue financial and administrative burdens or a fundamental alteration in nature of the program or activity..

The requirements listed here are not exhaustive. Go to the [Final Rule \(45 CFR Part 92\)](#) to read the complete list of all requirements and prohibitions.

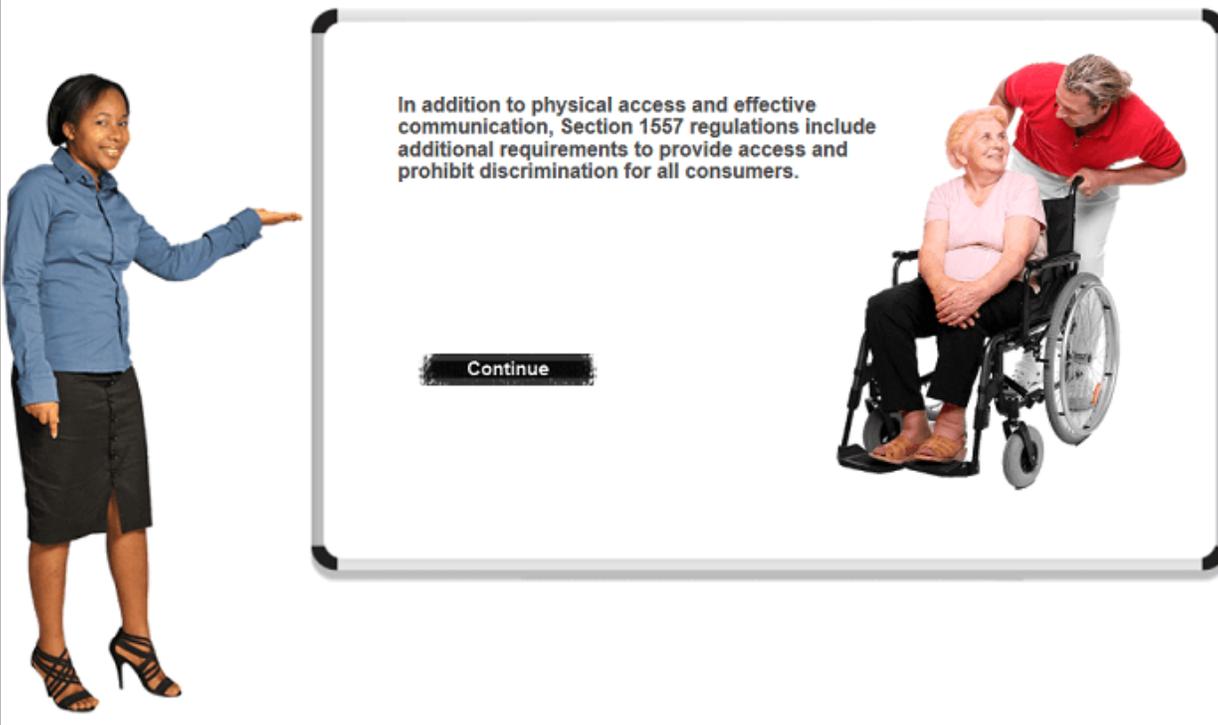
## Additional Section 1557 Requirements for Navigators

Working with Consumers with Disabilities: Laws and Regulations Text Version  Exit Course

**Additional Section 1557 Requirements for Navigators**

In addition to physical access and effective communication, Section 1557 regulations include additional requirements to provide access and prohibit discrimination for all consumers.

[Continue](#)



Menu Help Glossary Resources Map Module 2 of 5 Page 5 of 11

In addition to physical access and effective communication, Section 1557 regulations include additional requirements to provide access and prohibit discrimination for all consumers.

- Make reasonable modifications to policies, practices, and procedures when necessary to provide access for people with disabilities to the health program or activity, unless doing so would fundamentally alter the nature of the program or activity.
- Do not apply eligibility criteria or utilize methods of administration that screen out (or tend to screen out) people with disabilities (as specified in Section 504).
- Do not deny services based on a consumer's association with a person with a disability.
- Do not provide services or benefits to people with disabilities through programs that are separate or different unless this separation is necessary to ensure the services and benefits are equally effective (as specified in Section 504).

The requirements listed here are not exhaustive. Go to the [Final Rule \(45 CFR Part 92\)](#) to read the complete list of all requirements and prohibitions.

## Section 1557 Requirements for Certified Application Counselors (CACs)

Working with Consumers with Disabilities: Laws and Regulations Text Version Exit Course

### Section 1557 Requirements for Certified Application Counselors (CACs)



Section 1557 and its regulation only apply to CACs whose organizations receive FFA.

If you or your certified application counselor designated organization (CDO) receives FFA, you must follow the same requirements that apply for Navigators.

If you are unable to provide accessible services, you must refer consumers with disabilities to Marketplace-approved resources that can provide assistance such as Navigators or other CACs who can provide assistance.

Menu Help Glossary Resources Map Module 2 of 5 Page 6 of 11

Section 1557 and its regulation only apply to CACs whose organizations receive FFA.

If you or your certified application counselor designated organization (CDO) receives FFA, you must follow the same requirements that apply for Navigators.

If you are unable to provide accessible services, you must refer consumers with disabilities to Marketplace-approved resources that can provide assistance such as Navigators or other CACs who can provide assistance.

# CMS Marketplace Regulation Requirements for Navigators

Working with Consumers with Disabilities: Laws and Regulations Text Version OFF Exit Course

## CMS Marketplace Regulation Requirements for Navigators

**Navigators**

The requirements listed in each table are not exhaustive. Go to [45 CFR Part 155](#) to read the complete list of all requirements and prohibitions.

CMS Marketplace regulations also set requirements that assisters must meet for physical access and effective communication when serving consumers with disabilities.

Navigator Requirements	
Physical Accessibility	Effective Communication
<ul style="list-style-type: none"><li>Provide assistance in a location and manner that is physically and otherwise accessible.</li></ul>	<ul style="list-style-type: none"><li>Ensure accessibility and usability of Navigator tools and functions for individuals with disabilities.</li><li>Ensure that consumer education materials, websites, or other tools used for consumer assistance are accessible to people with disabilities.</li><li>Provide timely and accessible information to people with disabilities, including accessible websites and auxiliary aids and services (at no cost) when necessary or if requested by the consumer to ensure effective communication.</li></ul> <p>Note: Using a consumer's family or friends as interpreters may satisfy the requirement to provide auxiliary aids and services <b>only</b> when requested by the consumer as the preferred alternative to an offer of other auxiliary aids and services.</p>



Menu Help Glossary Resources Map Module 2 of 5 Page 7 of 11

CMS Marketplace regulations also set requirements that assisters must meet for physical access and effective communication when serving consumers with disabilities.

## Navigator Requirements

### Physical Accessibility

- Provide assistance in a location and manner that is physically and otherwise accessible

### Effective Communication

- Ensure accessibility and usability of Navigator tools and functions for individuals with disabilities.
- Ensure that consumer education materials, websites, or other tools used for consumer assistance are accessible to people with disabilities.
- Provide timely and accessible information to people with disabilities, including accessible websites and auxiliary aids and services (at no cost) when necessary or if requested by the consumer to ensure effective communication.

Note: Using a consumer's family or friends as interpreters may satisfy the requirement to provide auxiliary aids and services **only** when requested by the consumer as the preferred alternative to an offer of other auxiliary aids and services.

The requirements listed in this table are not exhaustive. Go to [45 CFR Part 155](#) to read the complete list of all requirements and prohibitions.

# Additional CMS Marketplace Regulation Requirements for Navigators

Working with Consumers with Disabilities: Laws and Regulations Text Version  Exit Course

## Additional CMS Marketplace Regulation Requirements for Navigators



CMS Marketplace regulations set additional requirements for Navigators to ensure information is available and accessible to all consumers.

### Navigator Requirements

- Make sure authorized representatives are permitted to assist a consumer with a disability to make informed decisions.
- Acquire sufficient knowledge to make referrals to local, state, and federal long-term services and supports when appropriate.
- Be able to work with all people regardless of age, disability, and culture and seek advice or experts when needed.

Beginning with Navigator grants awarded in 2019, FFM Navigators may but are not required to provide information on or assist consumers with the following topics:

- i. Understanding the process of filing Marketplace eligibility appeals;
- ii. Understanding and applying for exemptions from the individual shared responsibility provision granted through the Marketplace and/or claimed through the tax filing process;
- iii. Marketplace-related components of the premium tax credit reconciliation process;
- iv. Understanding basic concepts and rights related to health coverage and how to use it; and
- v. Referrals to licensed tax advisers, tax preparers, or other resources for assistance with tax preparation and tax advice related to consumer questions about the Marketplace application and enrollment process, exemptions from the requirement to maintain minimum essential coverage and from the individual shared responsibility payment (for tax year 2018), and premium tax credit reconciliations.

CMS will continue to provide all assisters with additional information related to these assistance activities through webinars, job aids, and other technical assistance resources.

Menu Help Glossary Resources Map Module 2 of 5 Page 8 of 11

CMS Marketplace regulations set additional requirements for Navigators to ensure information is available and accessible to all consumers.

### Navigator Requirements

- Make sure authorized representatives are permitted to assist a consumer with a disability to make informed decisions.
- Acquire sufficient knowledge to make referrals to local, state, and federal long-term services and supports when appropriate.
- Be able to work with all people regardless of age, disability, and culture and seek advice or experts when needed.

Beginning with Navigator grants awarded in 2019, FFM Navigators may but are not required to provide information on or assist consumers with the following topics:

- i. Understanding the process of filing Marketplace eligibility appeals;
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- iii. Marketplace-related components of the premium tax credit reconciliation process;
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- v. Referrals to licensed tax advisers, tax preparers, or other resources for assistance with tax preparation and tax advice related to consumer questions about the Marketplace application and enrollment process, exemptions from the requirement to maintain minimum essential coverage and from the individual shared responsibility payment (for tax year 2018), and premium tax credit reconciliations.

CMS will continue to provide all assisters with additional information related to these assistance activities through webinars, job aids, and other technical assistance resources.

# CMS Marketplace Regulation Requirements for CACs

Working with Consumers with Disabilities: Laws and Regulations Text Version  Exit Course

## CMS Marketplace Regulation Requirements for CACs



CACs must ensure accessibility for consumers with disabilities either directly or through referrals to Navigators or the [FFM Call Center](#). For more information on referrals, please refer to the [CMS guide](#).

If your CDO receives federal funds to provide services to a defined population, you may limit CAC services to that defined population. However, you must comply with the regulations prohibiting discrimination with respect to that population.

If you are approached for services by someone who is not in the defined population, you **must** refer the consumer to other Marketplace-approved resources that can provide assistance such as Navigators or other CACs.

Some exceptions that apply to CACs/CDOs are covered in the disclaimers earlier in the course ([45 CFR Section 155.225\(d\)\(5\)](#)) and in this [resource](#).

Menu Help Glossary Resources Map Module 2 of 5 Page 9 of 11

CACs must ensure accessibility for consumers with disabilities either directly or through referrals to Navigators or the [FFM Call Center](#).

For more information on referrals, please refer to the [CMS guide](#).

If your CDO receives federal funds to provide services to a defined population, you may limit CAC services to that defined population. However, you must comply with the regulations prohibiting discrimination with respect to that population.

If you are approached for services by someone who is not in the defined population, you must refer the consumer to other Marketplace-approved resources that can provide assistance such as Navigators or other CACs.

Some exceptions that apply to CACs/CDOs are covered in the disclaimers earlier in the course ([45 CFR Section 155.225\(d\)\(5\)](#)) and in this [resource](#).

# Knowledge Check

Working with Consumers with Disabilities: Laws and Regulations Text Version  Exit Course

## Knowledge Check

Choose **all that apply** and then select **Check Your Answer**.

- A. You must provide separate services with no added benefits to consumers with disabilities.
- B. You must provide assistance to consumers only with severe disabilities.
- C. You must provide appropriate auxiliary aids and services to consumers with disabilities.
- D. You must make reasonable modifications for consumers with disabilities.

Which of the following are required under federal regulations when you help consumers in FFMs?



Check Your Answer

Menu Help Glossary Resources Map Module 2 of 5 Page 10 of 11

Time for a knowledge check.

Which of the following are required under federal regulations when you help consumers in FFMs?

- A. You must provide separate services with no added benefits to consumers with disabilities.
- B. You must provide assistance to consumers only with severe disabilities.
- C. You must provide appropriate auxiliary aids and services to consumers with disabilities.
- D. You must make reasonable modifications for consumers with disabilities.

The correct answers are C and D. Under federal regulations, you must provide appropriate auxiliary aids and services and make reasonable modifications for consumers with disabilities, unless you can show that making the modification would result in a fundamental alteration to the nature of the program or undue financial and administrative burden. Fundamental alteration can be a change that is so significant it alters the essential nature of the service, program, or activity. Consumers with disabilities are legally entitled to reasonable accommodations and modifications. Assisting consumers with disabilities cannot be reserved for those with severe conditions only.

# Key Points

Working with Consumers with Disabilities: Laws and Regulations Text Version Exit Course

## Key Points



A consumer with a disability is defined under the HHS OCR Final Rule as an individual:

1. Who has a physical or mental impairment that substantially limits one or more major life activities,
2. Who has a record of such an impairment, or
3. Who is regarded as having such an impairment.

Section 1557 of the PPACA and the OCR Final Rule prohibit discrimination against people with disabilities by any health program or activity, any part of which receives FFA from HHS; any health program or activity that HHS itself administers; and entities established under Title I of the PPACA. CMS regulations also prohibit discrimination on the basis of disability.

CMS Marketplace regulations specific to your assister type will also govern your work with consumers with disabilities.

As an assister, you and your organization are likely to be covered by one or more of the federal laws and regulations prohibiting discrimination against individuals with disabilities. If you are, you must ensure compliance with the applicable law(s) or regulation(s).

Menu Help Glossary Resources Map Module 2 of 5 Page 11 of 11

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  1. Who has a physical or mental impairment that substantially limits one or more major life activities,
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- CMS Marketplace regulations specific to your assister type will also govern your work with consumers with disabilities.
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# Appropriate Services and Accommodations

## Introduction

The screenshot shows a course interface with a dark blue header containing the title 'Appropriate Services and Accommodations', a 'Text Version' toggle (currently off), and an 'Exit Course' button. Below the header is a blue 'Introduction' section with the text: 'When consumers require reasonable accommodations or modifications to a policy, procedure, or a practice to access your services, you should make them on a case-by-case basis. One example of a modification is allowing a person with a disability to be accompanied by a service animal.' The main content area features a vertical list of four items, each with a numbered arrow pointing right: 01 'Types of Accommodations' (Identify the types of accommodations that might be required for consumers with disabilities), 02 'Physical Disabilities' (Describe the types of accommodations that might be required both outside and inside your facility for consumers with physical disabilities), 03 'Cognitive Impairment/Intellectual Disability' (Describe the accommodations that might be required for consumers with cognitive impairments or intellectual disabilities), and 04 'Vision or Hearing Impairment' (Describe the accommodations that might be required for consumers with vision or hearing impairments). At the bottom is a navigation bar with icons for Menu, Help, Glossary, Resources, and Map, along with 'Module 3 of 5', 'Page 1 of 10', and navigation arrows.

When consumers require reasonable accommodations or modifications to a policy, procedure, or a practice to access your services, you should make them on a case-by-case basis. One example of a modification is allowing a person with a disability to be accompanied by a service animal.

### **Types of Accommodations**

Identify the types of accommodations that might be required for consumers with disabilities

### **Physical Disabilities**

Describe the types of accommodations that might be required both outside and inside your facility for consumers with physical disabilities

### **Cognitive Impairment/Intellectual Disability**

Describe the accommodations that might be required for consumers with cognitive impairments or intellectual disabilities

### **Vision or Hearing Impairment**

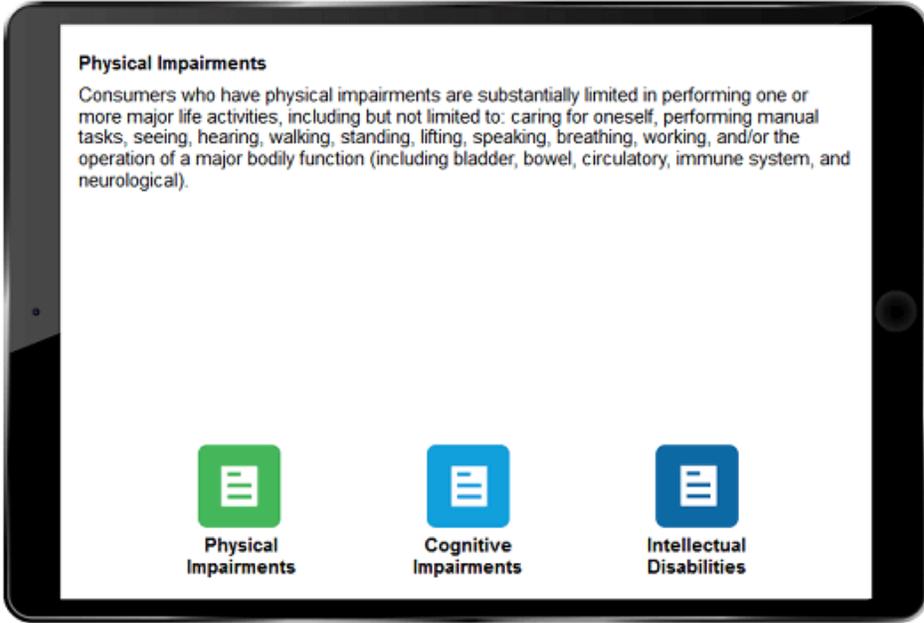
Describe the accommodations that might be required for consumers with vision or hearing impairments

# Appropriate Accommodations for Consumers With Disabilities

Appropriate Services and Accommodations Text Version Exit Course

## Appropriate Accommodations for Consumers With Disabilities

You might help consumers who have physical, cognitive, and/or intellectual disabilities. Let's review these types of disabilities. Select each of these apps to learn more.



The screenshot shows a tablet interface with the following content:

- Physical Impairments**  
Consumers who have physical impairments are substantially limited in performing one or more major life activities, including but not limited to: caring for oneself, performing manual tasks, seeing, hearing, walking, standing, lifting, speaking, breathing, working, and/or the operation of a major bodily function (including bladder, bowel, circulatory, immune system, and neurological).
- Three icons at the bottom of the tablet screen, each with a list icon and a label:
  - Physical Impairments (green icon)
  - Cognitive Impairments (blue icon)
  - Intellectual Disabilities (blue icon)

Navigation bar at the bottom of the tablet screen includes: Menu, Help, Glossary, Resources, Map, Module 3 of 5, Page 2 of 10.

You might help consumers who have physical, cognitive, and/or intellectual disabilities. Let's review these types of disabilities.

## Physical Impairments

Consumers who have physical impairments are substantially limited in performing one or more major life activities, including but not limited to: caring for oneself, performing manual tasks, seeing, hearing, walking, standing, lifting, speaking, breathing, working, and/or the operation of a major bodily function (including bladder, bowel, circulatory, immune system, and neurological).

## Cognitive Impairments

Consumers who have cognitive impairments have trouble remembering, learning new things, concentrating, or making decisions that affect their everyday lives. Cognitive impairment ranges from mild to severe. With mild impairment, consumers may begin to notice changes in cognitive functions, but they may be able to do their everyday activities. Severe levels of impairment can cause consumers to lose their ability to talk or write, live independently, or understand the meaning or importance of something. Cognitive impairments can occur at any age.

## Intellectual Disabilities

Intellectual disabilities are characterized by significant limitations in intellectual functioning and adaptive behavior, which covers many everyday social and practical skills.

These disabilities occur before an individual reaches the age of 18. For more information, visit the [American Association for Intellectual and Developmental Disabilities](#) website.

# Accessibility for Consumers With Physical Disabilities Outside of Your Facility

Appropriate Services and Accommodations Text Version  Exit Course

## Accessibility for Consumers With Physical Disabilities Outside of Your Facility

When you meet with consumers with disabilities, the area outside your meeting space must satisfy certain accessibility requirements. Otherwise, you should consider picking a different location.

The HHS OCR Final Rule requires buildings that are constructed or altered after July 18, 2016 to be accessible in compliance with the 2010 ADA Standards for Accessible Design if they are used by an FFA recipient or State-based Marketplace. Existing facilities have separate accessibility requirements under the HHS OCR Final Rule and the ADA.

  
**Parking**

  
**Drop-off Areas**

  
**Route to Entrance**

  
**Building Entrance**

Menu Help Glossary Resources Map Module 3 of 5 Page 3 of 10

When you meet with consumers with disabilities, the area outside your meeting space must satisfy certain accessibility requirements. Otherwise, you should consider picking a different location.

The HHS OCR Final Rule requires buildings that are constructed or altered after July 18, 2016 to be accessible in compliance with the 2010 ADA Standards for Accessible Design if they are used by an FFA recipient or State-based Marketplace. Existing facilities have separate accessibility requirements under the HHS OCR Final Rule and the ADA.

Some examples of accessibility standards include:

### **Parking**

Your facility's parking must:

- Be close to an accessible entrance,
- Include an access aisle to provide space for mobility, and
- Be on a level surface.

### **Drop-off Areas**

Your facility must have an accessible drop-off area with the same features as described for accessible parking.

### **Route to Entrance**

Your facility's parking and drop-off areas must have an accessible, level route to the building entrance without steps or steeply sloped sidewalks.

### **Building Entrance**

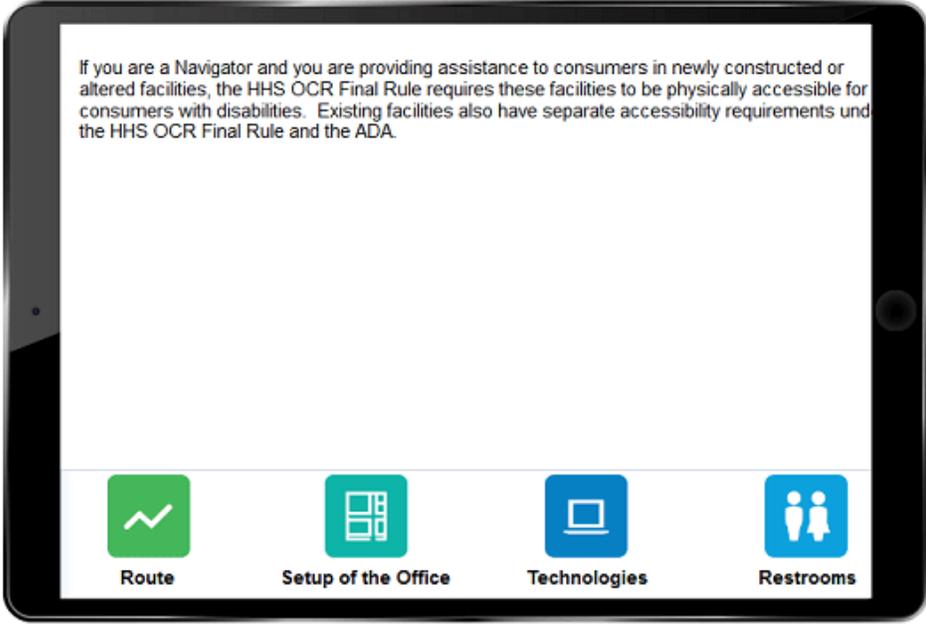
Your facility's entrance must be clear of any hazardous obstructions. An accessible door should accommodate a variety of mobility devices (e.g., crutches, canes, walkers, and wheelchairs).

# Accessibility for Consumers With Physical Disabilities Inside of Your Facility

Appropriate Services and Accommodations Text Version  Exit Course

## Accessibility for Consumers With Physical Disabilities Inside of Your Facility

The inside of your meeting location must satisfy certain physical accessibility requirements as well. Remember, you should consider picking a different location if your space doesn't meet these requirements.



If you are a Navigator and you are providing assistance to consumers in newly constructed or altered facilities, the HHS OCR Final Rule requires these facilities to be physically accessible for consumers with disabilities. Existing facilities also have separate accessibility requirements under the HHS OCR Final Rule and the ADA.

Route   Setup of the Office   Technologies   Restrooms

Menu   Help   Glossary   Resources   Map   Module 3 of 5   Page 4 of 10

The inside of your meeting location must satisfy certain physical accessibility requirements as well. Remember, you should consider picking a different location if your space doesn't meet these requirements.

If you are a Navigator and you are providing assistance to consumers in newly constructed or altered facilities, the HHS OCR Final Rule requires these facilities to be physically accessible for consumers with disabilities. Existing facilities also have separate accessibility requirements under the HHS OCR Final Rule and the ADA.

Features of a facility that must be accessible include:

### **Route to the Meeting Space**

Like the outside of your facility, the inside must also have an accessible route connecting the entrance to the meeting space.

### **Setup of the Office**

Your meeting space must have an accessible floor plan that allows consumers who use mobility devices (e.g., wheelchairs, walkers, and crutches) to maneuver through the space.

### **Technologies**

Your meeting space must accommodate consumers who use modified computers or telecommunication services (e.g., alternative keyboards, speech recognition software, or speakerphone options).

### **Restrooms**

Your facility's restrooms must be accessible to consumers with disabilities (e.g., grab bars and stalls large enough to fit a wheelchair).

## Knowledge Check

Appropriate Services and Accommodations Text Version  Exit Course

### Knowledge Check

Anastasia is 56 years old. She contacts you, a Navigator, about setting up a time to meet about her options for health coverage through an FFM. She mentions that she uses a wheelchair.

Which of the following should you consider when scheduling an appointment with Anastasia?

Choose **all that apply** and then select **Check Your Answer**.

- A. Accessible parking near the building entrance
- B. A drop-off area near the building entrance
- C. Large print reading materials for Anastasia
- D. A clear route to the meeting space within the building

Check Your Answer

Menu Help Glossary Resources Map Module 3 of 5 Page 5 of 10

Anastasia is 56 years old. She contacts you, a Navigator, about setting up a time to meet about her options for health coverage through an FFM. She mentions that she uses a wheelchair.

Which of the following should you consider when scheduling an appointment with Anastasia?

- A. Accessible parking near the building entrance
- B. A drop-off area near the building entrance
- C. Large print reading materials for Anastasia
- D. A clear route to the meeting space within the building

The correct answers are A, B, and D. Anastasia may need accessible parking or a drop-off area near the building entrance while she meets with you and a clear route to the meeting space. You need not consider providing large print reading materials unless Anastasia specified that she has a visual impairment.

# Accommodating Consumers with Cognitive Impairments or Intellectual Disabilities

**Appropriate Services and Accommodations** Text Version  Exit Course

## Accommodating Consumers with Cognitive Impairments or Intellectual Disabilities

If you are a Navigator, you may be required to provide reasonable accommodations, modifications, and/or auxiliary aids and services to consumers with cognitive impairments or intellectual disabilities. This could include providing extra time and/or auxiliary aids and services, such as assistive technology, for your assistance to be effective.

If a consumer's ability to read, write, organize thoughts, remember, or socially interact with you is affected by a disability, you should consider the following accommodations, modifications, and auxiliary aids and services.



**Reading**

- Provide pictures, symbols, or diagrams instead of written information
- Read written information out loud or provide information via audiotape or through voice output on the computer
- Use a line guide to identify or highlight one line of text at a time

Menu Help Glossary Resources Map Module 3 of 5 Page 6 of 10

If you are a Navigator, you may be required to provide reasonable accommodations, modifications, and/or auxiliary aids and services to consumers with cognitive impairments or intellectual disabilities. This could include providing extra time and/or auxiliary aids and services, such as assistive technology, for your assistance to be effective.

If a consumer's ability to read, write, organize thoughts, remember, or socially interact with you is affected by a disability, you should consider the following accommodations, modifications, and auxiliary aids and services.

### Reading

- Provide pictures, symbols, or diagrams instead of written information
- Read written information out loud or provide information via audiotape or through voice output on the computer
- Use a line guide to identify or highlight one line of text at a time

### Writing

- Provide templates or forms to prompt requested information
- Allow verbal or typed responses instead of written responses
- Use voice input on the computer
- Provide enough space on forms requiring written responses

### Organization

- Provide color-coded items or resources
- Label items or resources
- Use symbols instead of words
- Provide a labeled folder or envelope to keep important information and instructions together

## Memory

- Use a voice-activated recorder to record verbal instructions
- Provide written information
- Provide checklists

## Social Skills

- Obtain sensitivity training (e.g., disability awareness) to learn how to interact appropriately with consumers with cognitive or intellectual disabilities
- Use role-playing scenarios or training videos to learn how to assist consumers with cognitive or intellectual disabilities

Family members or friends may act as a consumer's interpreter, but only if this is the consumer's preference after you have explained that other auxiliary aids and services can be provided at no cost.

You can find more information on reasonable modifications, accommodations, and auxiliary aids and services for consumers with disabilities in the Resources section at the end of this training module. This module includes information on methods to communicate effectively using sign language interpreters, computer-aided real-time transcription services, written communications, and telecommunications relay services.

# Auxiliary Aids and Services for Consumers Who Are Blind or Have Low Vision

Appropriate Services and Accommodations Text Version  Exit Course

## Auxiliary Aids and Services for Consumers Who Are Blind or Have Low Vision

The most common examples include:

- Written information in Braille
- Access to information via:
  - ✓ Voice or large-print materials
  - ✓ Clear black print on white or pale yellow paper
  - ✓ Videos with audio description
  - ✓ Screen-reading software

Consumers with visual impairments may require specific [auxiliary aids and services](#) when you assist them.



Menu Help Glossary Resources Map Module 3 of 5 Page 7 of 10

Consumers with visual impairments may require specific **auxiliary aids and services** when you assist them.

Examples include:

- Written information in Braille
- Access to information via:
  - Voice or large-print materials
  - Clear black print on white or pale yellow paper
  - Videos with audio description
  - Screen-reading software

Auxiliary aids and services for individuals with vision impairments include: qualified readers; taped texts; audio recordings; Braille materials and displays; screen-reader software; magnification software; optical readers; secondary auditory programs (SAP); large-print materials; accessible electronic and information technology; or other effective methods of making visually delivered materials available to individuals who are blind or have low vision.

# Accommodating Consumers Who Are Deaf or Hard of Hearing

Appropriate Services and Accommodations Text Version Exit Course

## Accommodating Consumers Who Are Deaf or Hard of Hearing



Consumers with hearing impairments may also require specific [accommodations, auxiliary aids and services](#) when you assist them. The most common examples include:

- Qualified in-person interpreters
- Video teleconference capabilities (VTC) with sign-language interpreters
- Clear and understandable speech
- Willingness to repeat information as needed
- Pen and paper to help with communication

The HHS OCR Final Rule and CMS Marketplace regulations require Navigators to provide appropriate auxiliary aids and services (at no cost) when necessary or if requested by the consumer to ensure effective communication.

An entity must give primary consideration to the auxiliary aid or service requested by the individual unless the entity can demonstrate that it would pose a fundamental alteration or an undue administrative or financial burden and an alternative auxiliary aid or service provides communication to the individual that is as effective as communication provided to others.

In order to be effective, auxiliary aids and services must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability.

Also, you must provide auxiliary aids and services to "companions" of individuals receiving services when the companion is an appropriate person with whom the entity should communicate. A companion may include any family member, friend, or associate of a person seeking or receiving services. For instance, when you communicate with an individual's family member who is deaf, appropriate auxiliary aids and services to the family member must be provided to ensure effective communication.

Menu Help Glossary Resources Map Module 3 of 5 Page 8 of 10

Consumers with hearing impairments may also require specific **accommodations, auxiliary aids and services** when you assist them.

The most common examples include:

- Qualified in-person interpreters
- Video teleconference capabilities (VTC) with sign-language interpreters
- Clear and understandable speech
- Willingness to repeat information as needed
- Pen and paper to help with communication

The HHS OCR Final Rule and CMS Marketplace regulations require Navigators to provide appropriate auxiliary aids and services (at no cost) when necessary or if requested by the consumer to ensure effective communication.

An entity must give primary consideration to the auxiliary aid or service requested by the individual unless the entity can demonstrate that it would pose a fundamental alteration or an undue administrative or financial burden and an alternative auxiliary aid or service provides communication to the individual that is as effective as communication provided to others.

In order to be effective, auxiliary aids and services must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability.

Also, you must provide auxiliary aids and services to "companions" of individuals receiving services when the companion is an appropriate person with whom the entity should communicate. A companion may include any family member, friend, or associate of a person seeking or receiving services. For instance, when you communicate with an individual's family member who is deaf, appropriate auxiliary aids and services to the family member must be provided to ensure effective communication.

Auxiliary aids and services for individuals with hearing impairments may include: qualified interpreters on-site or through video remote interpreting (VRI) services; notetakers; real-time, computer-aided transcription

services; written materials; exchange of written notes; telephone handset amplifiers; assistive listening devices; assistive listening systems; telephones compatible with hearing aids; closed-caption decoders; open and closed captioning, including real-time captioning; voice, text, and video-based telecommunications products and systems, including text telephones (TTYs), videophones, and captioned telephones, or equally effective telecommunications devices; videotext displays; accessible electronic and information technology; or other effective methods of making aurally delivered information available to individuals who are deaf or hard of hearing.

# Knowledge Check

Appropriate Services and Accommodations Text Version  Exit Course

## Knowledge Check

To prepare for your meeting with Sang, which of the following should you consider providing?

Choose **all that apply** and then select **Check Your Answer**.

- A. A sign language interpreter
- B. A pad of paper and pen for him to take notes
- C. Checklists to help him keep organized
- D. A large-print version of the paper enrollment form

Check Your Answer

Now that you've learned about reasonable modifications and auxiliary aids and services that can help consumers with disabilities, it's time to meet another consumer.

Sang, a 55-year-old janitor, emails you, a Navigator, to schedule a meeting to discuss his options for health coverage through an FFM. He tells you he has early-onset Alzheimer's disease and a hearing impairment but he knows sign language.



Menu Help Glossary Resources Map Module 3 of 5 Page 9 of 10

Now that you've learned about reasonable modifications and auxiliary aids and services that can help consumers with disabilities, it's time to meet another consumer.

Sang, a 55-year-old janitor, emails you, a Navigator, to schedule a meeting to discuss his options for health coverage through an FFM. He tells you he has early-onset Alzheimer's disease and a hearing impairment but he knows sign language.

To prepare for your meeting with Sang, which of the following should you consider providing?

- A. A sign language interpreter
- B. A pad of paper and pen for him to take notes
- C. Checklists to help him keep organized
- D. A large-print version of the paper enrollment form

The correct answers are A, B, and C. You should provide a qualified sign language interpreter, a pad of paper and pen, and checklists. Sang hasn't indicated he has a visual impairment that would require a large-print version of the paper enrollment form.

# Key Points

Appropriate Services and Accommodations Text Version Exit Course

## Key Points

When you work with consumers with disabilities, federal regulations may require you to provide appropriate services and accommodations for them. Keep these tips in mind:



- 01 Consumers may have different degrees of disabilities and you might be required to provide auxiliary aids and services or other accommodations to them.
- 02 If you are required to provide reasonable accommodations or modifications to ensure that consumers can access your services, you should provide them on a case-by-case basis.
- 03 If you are required to provide reasonable accommodations, modifications, and/or auxiliary aids and services, you should know the types of help that consumers with disabilities might need and be prepared to provide them with that help when necessary.

Menu Help Glossary Resources Map Module 3 of 5 Page 10 of 10

When you work with consumers with disabilities, federal regulations may require you to provide appropriate services and accommodations for them. Keep these tips in mind:

- Consumers may have different degrees of disabilities and you might be required to provide auxiliary aids and services or other accommodations to them.
- If you are required to provide reasonable accommodations or modifications to ensure that consumers can access your services, you should provide them on a case-by-case basis.

If you are required to provide reasonable accommodations, modifications, and/or auxiliary aids and services, you should know the types of help that consumers with disabilities might need and be prepared to provide them with that help when necessary.

# Best Practices and Etiquette

## Introduction to Best Practices and Etiquette When Providing Services

The screenshot shows a course interface with a dark header and a light blue title bar. The main content area contains a table of contents with three items, each with a large blue arrow pointing right and a number in the arrow's tail. The items are: 01 Communication Techniques, 02 Cognitive or Mental Impairment, and 03 Speech or Hearing Impairment. A dark footer contains navigation icons and text.

Best Practices and Etiquette		Text Version	Exit Course
<b>Introduction to Best Practices and Etiquette When Providing Services</b>			
In addition to complying with the federal laws and regulations that apply to your work as an assister, you should follow these best practices and federal requirements when communicating with consumers with disabilities.			
<b>01</b>	<b>Communication Techniques</b> Describe communication techniques and best practices for working with consumers with a disability		
<b>02</b>		<b>Cognitive or Mental Impairment</b> Identify best practices for communicating with consumers with cognitive or mental impairment	
<b>03</b>	<b>Speech or Hearing Impairment</b> Identify best practices for communicating with consumers with a speech or hearing impairment		
Menu	Help	Glossary	Resources
Map	Module 4 of 5	Page 1 of 8	

In addition to complying with the federal laws and regulations that apply to your work as an assister, you should follow these best practices and federal requirements when communicating with consumers with disabilities.

### **Communication Techniques**

Describe communication techniques and best practices for working with consumers with a disability

### **Cognitive or Mental Impairment**

Identify best practices for communicating with consumers with cognitive or mental impairment

### **Speech or Hearing Impairment**

Identify best practices for communicating with consumers with a speech or hearing impairment

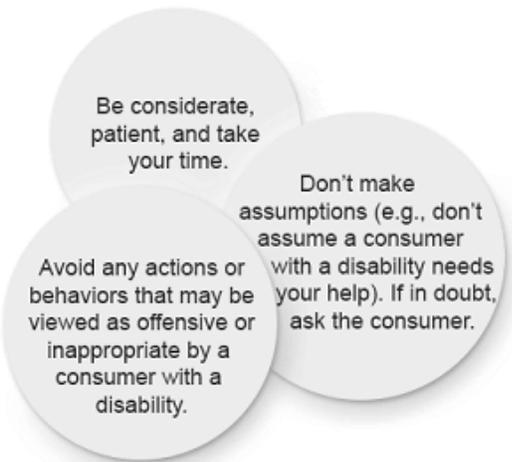
## Guidelines to Remember

Best Practices and Etiquette Text Version 0% Exit Course

### Guidelines to Remember

When you interact with consumers with disabilities, remember they shouldn't be treated any differently from consumers without disabilities. Consumers with disabilities are independent and capable so it's important that you always be respectful of consumers and their specific needs.

To the greatest extent possible, consumers seeking health coverage should be the primary source of information and decision making about their health coverage, even if they're accompanied by caregivers, authorized representatives, guardians, or family members. When another person is authorized to represent a consumer, make sure you speak directly to the consumer, focus the discussion on him or her, and make sure he or she participates in the conversation to the greatest extent possible.



**Follow these guidelines and best practices.**

Menu Help Glossary Resources Map Module 4 of 5 Page 2 of 8

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Follow these guidelines and best practices.

- Be considerate, patient, and take your time.
- Don't make assumptions (e.g., don't assume a consumer with a disability needs your help; if in doubt, ask the consumer).
- Avoid any actions or behaviors that may be viewed as offensive or inappropriate by a consumer with a disability.

# Communicating With Consumers With Disabilities

**Best Practices and Etiquette** Text Version Exit Course

## Communicating With Consumers With Disabilities

To ensure you are treating consumers with and without disabilities equally, be mindful of your language. When writing or speaking about consumers with disabilities, it's important to put the consumer first. Group labels such as "the blind" or "the disabled" are discouraged because they don't reflect the individuality, equality, or dignity of consumers with disabilities.

Also, do not refer to consumers without disabilities as "normal" because it implies that you think consumers with disabilities aren't normal. The term "people without disabilities" is descriptive but not negative.

As a best practice, avoid words such as "disabled" or "handicapped." Instead, use phrases like "a consumer with a disability." Your language should emphasize people, not disabilities.

These are examples of positive and negative phrases:

**Avoid**

Mental retardation

Wheelchair-bound

Blind consumers

**Use**

Consumers with intellectual disabilities

Consumers who use wheelchairs

Consumers who are blind

Menu Help Glossary Resources Map Module 4 of 5 Page 3 of 8

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These are examples of positive and negative phrases:

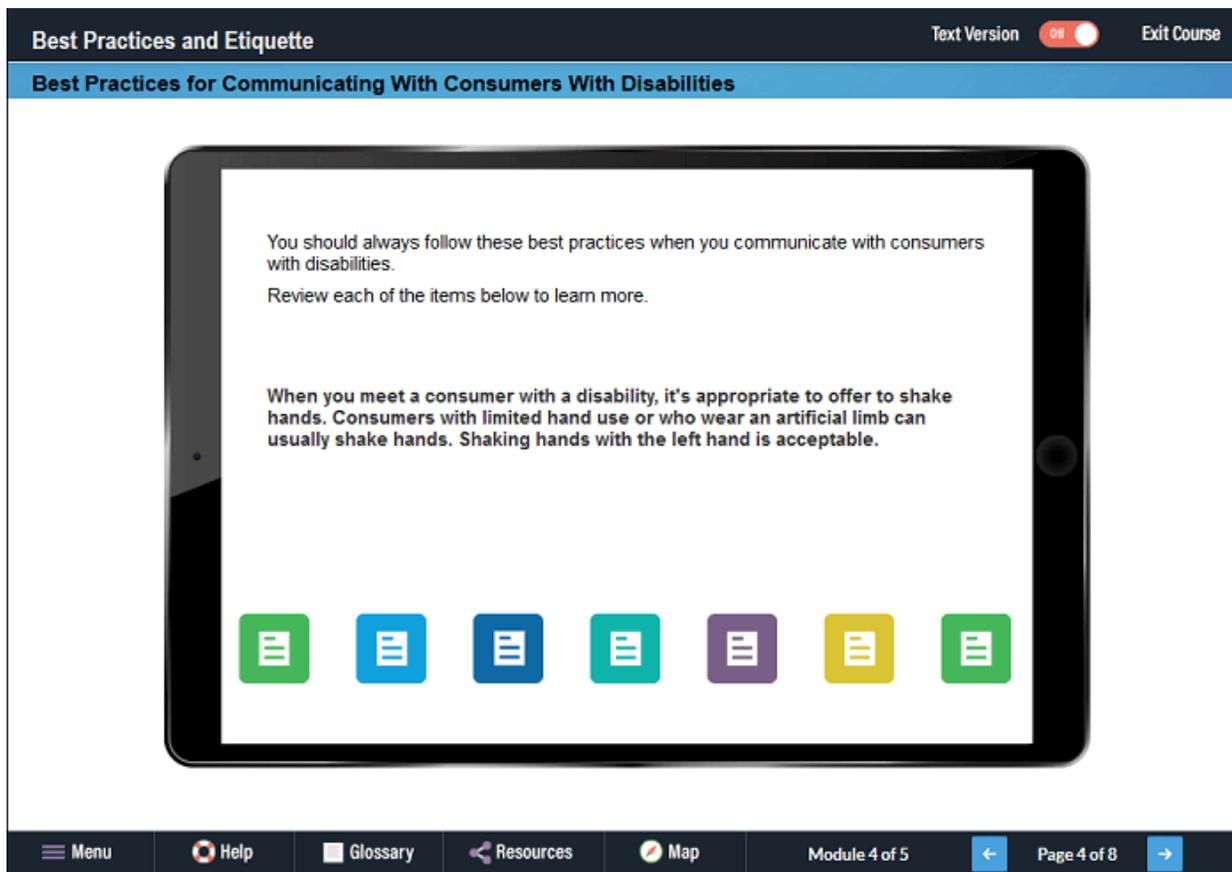
Avoid:

- Mental retardation
- Wheelchair-bound
- Blind consumers

Use:

- Consumers with intellectual disabilities
- Consumers who use wheelchairs
- Consumers who are blind

# Best Practices for Communicating With Consumers With Disabilities



The screenshot shows a course interface with a dark blue header containing 'Best Practices and Etiquette', 'Text Version' with a toggle switch, and 'Exit Course'. Below the header is a blue bar with the title 'Best Practices for Communicating With Consumers With Disabilities'. The main content area features a tablet displaying text: 'You should always follow these best practices when you communicate with consumers with disabilities. Review each of the items below to learn more.' and 'When you meet a consumer with a disability, it's appropriate to offer to shake hands. Consumers with limited hand use or who wear an artificial limb can usually shake hands. Shaking hands with the left hand is acceptable.' Below the text are seven colorful icons representing different topics. The bottom navigation bar includes 'Menu', 'Help', 'Glossary', 'Resources', 'Map', 'Module 4 of 5', 'Page 4 of 8', and navigation arrows.

You should always follow these best practices when you communicate with consumers with disabilities.

Review each of the items below to learn more.

- When you meet a consumer with a disability, it's appropriate to offer to shake hands. Consumers with limited hand use or who wear an artificial limb can usually shake hands. Shaking hands with the left hand is acceptable.
- If you offer assistance, wait until your offer is accepted before providing help. If help is accepted, listen to or ask for instructions on how to assist.
- When addressing people with disabilities, treat adults as adults. Use first names of consumers only when extending the same familiarity to all others.
- If you happen to use common expressions such as "See you later" when communicating with consumers who are blind or "Did you hear about that?" when communicating with consumers who are deaf, understand that this happens and don't be embarrassed.
- When you encounter working animals (e.g., those that generally wear a harness), don't try to pet, play with, or engage with them.
- Follow the cues and preferences of the consumer you're assisting.
- If you have questions or are unsure of what to do, don't be afraid to ask a consumer with a disability how you can best assist him or her.

## Knowledge Check

Best Practices and Etiquette Text Version  Exit Course

### Knowledge Check



You are now helping Samuel, a consumer who is blind, learn about health coverage options through an FFM.

Keeping in mind what you've learned so far about best practices for communicating with consumers with disabilities, what should you do to effectively assist Samuel?

Choose **all that apply** and then select **Check Your Answer**.

- A. You assume Samuel needs help communicating so you bring large-print materials for him.
- B. You greet him and offer to shake his hand even though you notice he may have a limited handshake.
- C. You're considerate and patient as you are with all consumers.
- D. You see Samuel as a consumer, not as a consumer with a disability.

Check Your Answer

Menu Help Glossary Resources Map Module 4 of 5 Page 5 of 8

You are now helping Samuel, a consumer who is blind, learn about health coverage options through an FFM. Keeping in mind what you've learned so far about best practices for communicating with consumers with disabilities, what should you do to effectively assist Samuel?

- A. You assume Samuel needs help communicating so you bring large-print materials for him.
- B. You greet him and offer to shake his hand even though you notice he may have a limited handshake.
- C. You're considerate and patient as you are with all consumers.
- D. You see Samuel as a consumer, not as a consumer with a disability.

The correct answers are B, C, and D. You should be considerate and patient with Samuel, as with all others, and see him as a consumer as opposed to a consumer with a disability. You recognize it's still appropriate to shake his hand in your initial greeting. You don't assume he needs your help by bringing large-print materials for him because they may not be helpful depending on the type and degree of his impairment. Instead, you can assess his needs by asking about his communication preferences.

# Best Practices for Communicating with Consumers With Physical or Mental Impairments

The screenshot shows a course interface with a blue header 'Best Practices and Etiquette' and a sub-header 'Best Practices for Communicating with Consumers With Physical or Mental Impairments'. The main content area contains text and a list of best practices. At the bottom of the content area are four icons: a brain in a blue circle for 'Cognitive Impairments', lips in a green circle for 'Speech Impairments', a brain with gears in a blue circle for 'Mental Impairments', and an ear in a green circle for 'Hearing Impairments'. The bottom navigation bar includes 'Menu', 'Help', 'Glossary', 'Resources', 'Map', 'Module 4 of 5', 'Page 6 of 8', and navigation arrows.

Best Practices and Etiquette Text Version Off Exit Course

## Best Practices for Communicating with Consumers With Physical or Mental Impairments

Now we'll review some best practices for communicating with consumers with a range of disabilities including cognitive, speech, hearing, and mental impairments. For example, consumers with cognitive disabilities may have more difficulty with mental tasks than other consumers do. Select each icon to learn more about impairments.

Here are some best practices that might help you communicate with consumers who have cognitive disabilities:

- Speak clearly and directly.
- Make eye contact.
- Keep sentences short.
- Avoid using "yes" and "no" questions.
- Rephrase or repeat questions and ask follow-up questions, if needed.
- Ask consumers to rephrase what you said when you are unsure they understood you.
- Add more time to your scheduled appointment, if needed.

Some consumers with cognitive impairments may be unable to communicate through spoken language. You should work with them to identify their preferred method of communication (e.g., sounds, drawings, or pictures) and communicate with them in the way they choose.

 Cognitive Impairments  Speech Impairments  Mental Impairments  Hearing Impairments

Menu Help Glossary Resources Map Module 4 of 5 Page 6 of 8

Now we'll review some best practices for communicating with consumers with a range of disabilities including cognitive, speech, hearing, and mental impairments. For example, consumers with cognitive disabilities may have more difficulty with mental tasks than other consumers do.

## Cognitive Impairments

Here are some best practices that might help you communicate with consumers who have cognitive disabilities:

- Speak clearly and directly.
- Make eye contact.
- Keep sentences short.
- Avoid using "yes" and "no" questions.
- Rephrase or repeat questions and ask follow-up questions, if needed.
- Ask consumers to rephrase what you said when you are unsure they understood you.
- Add more time to your scheduled appointment, if needed.

Some consumers with cognitive impairments may be unable to communicate through spoken language. You should work with them to identify their preferred method of communication (e.g., sounds, drawings, or pictures) and communicate with them in the way they choose.

## Speech Impairments

Consumers with speech impairments may have difficulty speaking clearly or at all. Keep these best practices in mind when communicating with consumers who have speech impairments.

DO:

- Speak with these consumers the same way you do with others.
- Be prepared to offer auxiliary aids and services (e.g., audio recordings).

- If necessary, repeat what you thought a consumer said to give the consumer an opportunity to correct or confirm your understanding.
- Ask consumers about their preferred way of communicating.
- Try to ask questions that require only short answers or a nod of the head.

**DON'T:**

- Finish consumers' words or sentences.
- Assume you know the consumer's preferred way of communicating.

**Hearing Impairments**

Consumers with hearing impairments may be described as deaf or hard of hearing.

These best practices might help you communicate with consumers who have hearing impairments:

- Find out how consumers prefer to communicate (e.g., speech/lip reading, writing, sign language). You must give primary consideration to the auxiliary aid or service requested by the individual unless you doing so would pose a fundamental alteration or an undue administrative or financial burden. An alternative auxiliary aid or service must provide communication to the individual that is as effective as communication provided to others.
- Ask if consumers would like interpreter services and, if an interpreter is needed to effectively communicate, provide an interpreter at no cost.
- Speak at your normal volume unless consumers ask you to speak louder but don't shout.
- Look directly at consumers while speaking even if an interpreter is present. Don't turn your back or walk around while talking.
- Make sure your meeting place is well lit so that consumers can easily see you.
- Speak clearly in a normal tone, keeping your hands away from your face.
- Use short and simple sentences.
- Use pen and paper or lip reading only when appropriate for the particular conversation and type of communication.
- Don't talk while writing a note because consumers can't read your notes and lips at the same time.
- Allow family members or friends to serve as interpreters if consumers prefer this after you have explained a qualified interpreter can be provided at no cost.

**Mental Impairments**

Consumers with mental health impairments may suffer from disorders that affect their mood, thinking, and behavior. You may not be able to see consumers' symptoms yet it's still vital to be understanding and provide good customer service.

These best practices might help you communicate with consumers with mental health impairments:

- Approach the consumer in a calm, nonthreatening, and reassuring manner.
- Hold conversations in a setting free of distractions.
- Be patient, flexible, and supportive.

## Knowledge Check

Best Practices and Etiquette Text Version  Exit Course

**Knowledge Check**



Eze visits your office to review his health coverage options through an FFM. He hands you a note that says he's deaf.

What best practices might you follow in order to communicate with Eze effectively?

Choose **all that apply** and then select **Check Your Answer**.

- A. Write a note back to Eze asking how he prefers to communicate. He may wish to use a sign-language interpreter, lip reading, or writing.
- B. Speak very loudly to help Eze hear what you're saying.
- C. Assume Eze wants an interpreter and tell him to come back when you're able to schedule one.
- D. Tell Eze you can provide a qualified interpreter at no cost.

Check Your Answer

Menu Help Glossary Resources Map Module 4 of 5 Page 7 of 8

Eze visits your office to review his health coverage options through an FFM. He hands you a note that says he's deaf.

What best practices might you follow in order to communicate with Eze effectively?

Write a note back to Eze asking how he prefers to communicate. He may wish to use a sign-language interpreter, lip reading, or writing.

Speak very loudly to help Eze hear what you're saying.

Assume Eze wants an interpreter and tell him to come back when you're able to schedule one.

Tell Eze you can provide a qualified interpreter at no cost.

The correct answers are A and D. Since Eze gave you a note, it's safe to assume he can read. Writing him a note is a good way to communicate with him and identify his preferred method of communication. If he prefers to have a family member or friend help him communicate, that is acceptable but only after you explain that you can provide a qualified interpreter at no cost. You shouldn't speak loudly because you don't yet know Eze's preferred method of communication. Also, you should do your best to help Eze today as opposed to rescheduling the meeting for a later date.

## Key Points

Best Practices and Etiquette Text Version ON Exit Course

Key Points



01 Remember that you shouldn't assume you know consumers' needs. Be prepared to respond effectively to consumers who have physical or intellectual disabilities, including cognitive, speech, hearing, or vision impairments, as appropriate.

Menu Help Glossary Resources Map Module 4 of 5 Page 8 of 8

- Remember that you shouldn't assume you know consumers' needs. Be prepared to respond effectively to consumers who have physical or intellectual disabilities, including cognitive, speech, hearing, or vision impairments, as appropriate.

# Introduction to Application Assistance

## Introduction

**Introduction to Application Assistance** Text Version  OFF Exit Course

### Introduction

You've learned how to provide auxiliary aids and services and how to follow best practices when working with consumers with disabilities. Now you're ready to help consumers with disabilities obtain appropriate health coverage.

The PPACA and its implementing regulations include protections for consumers with disabilities as they apply for health coverage through the FFMs. This module explains the factors consumers with disabilities may consider and the resources available to help them choose health coverage.

- 01 Factors Affecting Coverage**  
Identify factors affecting health coverage for consumers with disabilities
- 02 Protections Under the PPACA**  
Identify protections for consumers with disabilities under the PPACA
- 03 Needs Assessment**  
Describe techniques for helping consumers with disabilities identify their coverage needs and coverage options
- 04 Other Coverage Options**  
Identify health coverage options for consumers with disabilities outside the FFMs

Menu Help Glossary Resources Map Module 5 of 5 Page 1 of 10

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### **Factors Affecting Coverage**

Identify factors affecting health coverage for consumers with disabilities

### **Protections Under the PPACA**

Identify protections for consumers with disabilities under the PPACA

### **Needs Assessment**

Describe techniques for helping consumers with disabilities identify their coverage needs and coverage options

### **Other Coverage Options**

Identify health coverage options for consumers with disabilities outside the FFMs

# Coverage Considerations for Consumers With Disabilities

Introduction to Application Assistance Text Version Exit Course

## Coverage Considerations for Consumers With Disabilities

When helping consumers choose health coverage, you should also discuss these important factors. They are especially important when working with consumers with disabilities. Select each to learn more:



**Cost**



**Accessibility**



**Quality**



**Adequacy**

It's important to encourage consumers to compare costs and coverage for the specific benefits offered by different qualified health plans (QHPs) and other coverage options, such as Medicaid, to ensure the selected coverage meets their needs. You should also make sure individuals and families know they can only change QHPs when permitted during a Special Enrollment Period (SEP) or the individual market Open Enrollment Period. Remind consumers who want to change to a different QHP during an SEP that they may be limited in the type of QHP they can choose. For example, a consumer may be able to select a new plan, but that plan may need to be within the same health plan category (e.g., Silver metal level) as the consumer's current QHP coverage.

When helping consumers, remember that you should not recommend a specific health insurance plan or plans. Instead, help consumers understand the differences among plans.

Menu Help Glossary Resources Map Module 5 of 5 Page 2 of 10

When helping consumers choose health coverage, you should also discuss these important factors. They are especially important when working with consumers with disabilities. Select each to learn more:

## Cost

Consumers' costs include a plan's premium and other out-of-pocket costs for health services such as deductibles, coinsurance, and copayments for items like prescriptions and durable medical equipment (e.g., wheelchairs and walkers).

## Accessibility

Generally, in the context of health coverage, accessibility refers to the availability and inclusion of suitable doctors for consumers' needs and office accessibility. For instance, consumers with a physical disability will need to choose a primary care physician who has an office with elevator access or accommodations.

When you help consumers with disabilities evaluate accessibility, consider the following:

- Consumers with disabilities often have longstanding relationships with providers who are familiar with their complex medical needs. It's important to determine whether these providers participate in the provider networks of any QHPs consumers are considering.
- Consumers with disabilities who seek coverage through an FFM for the first time may require access to specific specialty providers, therapies, pharmacies, and suppliers.

## Quality

Quality health care should be safe, effective, patient centered, timely, efficient, and equitable.

## Adequacy

Generally, in the context of health coverage, adequacy means having sufficient coverage for consumers' needs. This may include coverage for durable medical equipment. It can also include availability of psychiatric and preventive care (e.g., coverage for some immunizations) as well as alternative care. Lastly, adequacy may include availability of attendant and personal assistance care to help maintain consumers' functional capacity.

When you help consumers with disabilities evaluate adequacy, make sure they:

- Review the Summary of Benefits and Coverage (SBC) for each QHP under consideration to compare

available benefits and related costs. A link to the SBC for each QHP participating in the FFMs is available at [HealthCare.gov](https://www.healthcare.gov).

- Review the Evidence of Coverage (EOC) for each QHP under consideration. The EOC is different from the SBC because it provides more detailed information on health care benefits that the QHP covers, payments (e.g., premiums, deductibles, copayments, coinsurance), and how to get services. You or the consumers you assist may be able to get the EOC from the QHP's website or by calling the QHP's customer service department.
- Review QHP provider directories to confirm that consumers' preferred providers are included in a QHP's network.
- Review QHP prescription drug formularies to confirm that consumers' prescription medications are included in a QHP's formulary.

It's important to encourage consumers to compare costs and coverage for the specific benefits offered by different qualified health plans (QHPs) and other coverage options, such as Medicaid, to ensure the selected coverage meets their needs. You should also make sure individuals and families know they can only change QHPs when permitted during a Special Enrollment Period (SEP) or the individual market Open Enrollment Period. Remind consumers who want to change to a different QHP during an SEP that they may be limited in the type of QHP they can choose. For example, a consumer may be able to select a new plan, but that plan may need to be within the same health plan category (e.g., Silver metal level) as the consumer's current QHP coverage.

When helping consumers, remember that you should not recommend a specific health insurance plan or plans. Instead, help consumers understand the differences among plans.

## Meet Ronna

Introduction to Application Assistance Text Version  Exit Course

### Meet Ronna



Let's meet Alex and Josephine's Aunt Ronna. Ronna is diabetic and hasn't been managing her diabetes because she doesn't have health coverage.

Alex and Josephine are worried about Ronna and would like your help enrolling her in coverage through her state's FFM. Ronna is anxious that she won't be able to enroll in coverage because she hasn't been taking care of herself and she has impaired vision.



Menu Help Glossary Resources Map Module 5 of 5 Page 3 of 10

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Alex and Josephine are worried about Ronna and would like your help enrolling her in coverage through her state's FFM. Ronna is anxious that she won't be able to enroll in coverage because she hasn't been taking care of herself and she has impaired vision.

# The Patient Protection and Affordable Care Act and Consumers With Disabilities

Introduction to Application Assistance Text Version Exit Course

## The Patient Protection and Affordable Care Act and Consumers With Disabilities



You can ease Ronna's mind by explaining available health coverage options to her. In the past, due to her diabetes and impaired vision, she may have been denied coverage or paid higher premiums based on her pre-existing condition or disability.

However, under the PPACA and regulations (45 CFR section 146.121 and 45 CFR Part 147) pertaining to health plans and issuers offering health insurance coverage, job-based and non-grandfathered individual health plans aren't allowed to refuse to sell health insurance to consumers or charge a higher premium for coverage based on a pre-existing condition, including a disability.

You should also tell consumers that the PPACA:

- Prohibits most health plans from placing annual and lifetime dollar limits on most benefits.
- Helps make wellness and prevention services (e.g., cancer screenings and routine vaccinations) more affordable by requiring many health plans to cover certain preventive services without a copayment, coinsurance, or deductible.
- Creates new opportunities for state Medicaid programs to provide additional services to help low-income consumers with disabilities, particularly those who need long-term care at home and in the community.

Menu Help Glossary Resources Map Module 5 of 5 Page 4 of 10

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Creates new opportunities for state Medicaid programs to provide additional services to help low-income consumers with disabilities, particularly those who need long-term care at home and in the community.

## Ronna's Condition and Eligibility for Health Coverage

Introduction to Application Assistance

Text Version Exit Course

### Ronna's Condition and Eligibility for Health Coverage

Earlier you talked to Ronna about ways the PPACA protects her. You also offered to help Ronna fill out her FFM eligibility application and she accepted your assistance. You should tell Ronna the FFM application will help assess whether she may be eligible for Medicaid coverage based on her disability. If it appears Ronna may be eligible, the FFM will transfer her application to the state Medicaid agency so it can make a final determination.

Continue

Menu Help Glossary Resources Map Module 5 of 5 Page 5 of 10

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To assess whether consumers may be eligible for Medicaid based on their disabilities, the Marketplace application asks whether each person in a household lives in a medical facility or nursing home, or whether they have a physical, mental, or emotional health condition that causes limitations in daily activities like bathing and dressing.

If consumers answer "yes" and their income information indicates they may be eligible for Medicaid based on disability, the application information will be sent to the state Medicaid agency to determine whether they qualify for Medicaid. Consumers also have the option to apply directly with their state Medicaid agency.

You recall that Ronna is eligible to enroll in a QHP through the FFM and you're helping her compare several available plans she may choose from. Ronna says insulin for her diabetes is expensive and she wants to be sure it's covered. She also hopes she can get coverage to help with her vision.

# Working With Consumers With Disabilities to Identify Health Coverage Options

Introduction to Application Assistance Text Version  Exit Course

**Working With Consumers With Disabilities to Identify Health Coverage Options**

Because Ronna has a vision impairment, you might be required to provide her with additional accommodations. Additional [information](#) on vision impairments and ideas for accommodating consumers with disabilities may be found in the National Disability Navigator Resource Collaborative Disability Guide.

**Continue**

Assessing consumers' needs is an important beginning step to helping them identify appropriate health coverage. This includes consumers with disabilities.



Menu Help Glossary Resources Map Module 5 of 5 Page 6 of 10

Assessing consumers' needs is an important beginning step to helping them identify appropriate health coverage. This includes consumers with disabilities.

Because Ronna has a vision impairment, you might be required to provide her with additional accommodations. Additional [information](#) on vision impairments and ideas for accommodating consumers with disabilities may be found in the National Disability Navigator Resource Collaborative Disability Guide.

To provide effective assistance, you should discuss:

### **Priorities and Needs**

Work with Ronna to help identify and understand her coverage priorities and needs.

### **Coverage Options**

Review her coverage options, highlighting how each option addresses her needs.

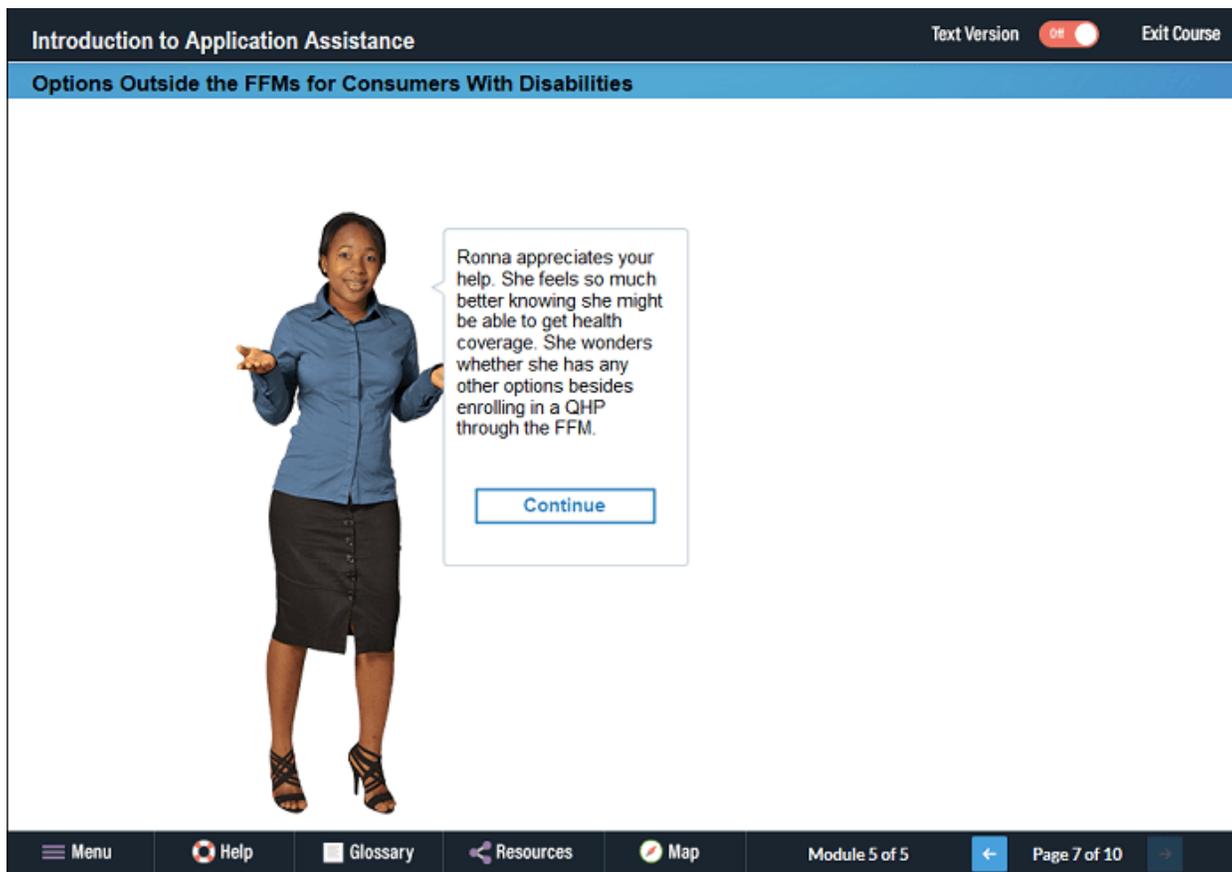
### **Other Programs**

Refer her to other health coverage programs for which she may qualify.

## Options Outside the FFM for Consumers With Disabilities

Introduction to Application Assistance Text Version  Exit Course

**Options Outside the FFM for Consumers With Disabilities**



Ronna appreciates your help. She feels so much better knowing she might be able to get health coverage. She wonders whether she has any other options besides enrolling in a QHP through the FFM.

[Continue](#)

Menu Help Glossary Resources Map Module 5 of 5 Page 7 of 10

Ronna appreciates your help. She feels so much better knowing she might be able to get health coverage. She wonders whether she has any other options besides enrolling in a QHP through the FFM.

If you are a Navigator you should be prepared to offer at least basic information on other coverage options available to consumers with disabilities in addition to QHPs. These coverage options may include Medicaid, Social Security Disability Insurance (SSDI), Supplemental Security Income (SSI), the Ryan White HIV/AIDS Program, Medicare, and pharmaceutical assistance programs. Select each program to learn more.

### Medicaid

Medicaid provides coverage for many consumers with disabilities. Consumers with disabilities who are eligible can get Medicaid-covered services that are deemed medically necessary, including long-term services and supports. Depending on the state where Ronna lives, the FFM either provides a final decision on whether she is eligible for Medicaid or sends Ronna's application information to the state Medicaid agency to make a final decision. In certain states, an FFM can only determine consumers' Medicaid eligibility based on their household income and not on other criteria. So if it appears Ronna may be eligible for Medicaid on another basis (such as disability), the FFM will transfer her application to the state Medicaid agency to make a final determination.

### SSI and SSDI Programs

Although SSI and SSDI are different in many ways, both programs are administered by the Social Security Administration (SSA). Consumers who have disabilities and meet medical and financial criteria may qualify for benefits under both programs.

SSI pays benefits to some consumers, including consumers with disabilities, based on financial need and whether they meet eligibility requirements.

SSDI pays benefits to consumers and certain family members if they (or certain family members of theirs) worked long enough to qualify for Social Security and paid Social Security taxes. SSDI beneficiaries are automatically eligible for Medicare after 24 months.

To qualify for both SSI and SSDI, consumers must also meet certain medical criteria.

In most states, consumers who receive SSI automatically qualify for Medicaid coverage. In a few states, SSI beneficiaries are not automatically eligible for Medicaid, although they still qualify in most situations. Some states use more restrictive Medicaid eligibility criteria which differ from state to state.

Key considerations for assisting consumers with disabilities to understand Medicaid eligibility include the following:

- Not everyone with a disability is automatically eligible for Medicaid. This includes some SSI beneficiaries in a few states and consumers who receive SSDI benefits.
- Although health coverage isn't automatic, nearly all states offer coverage to people with disabilities who aren't eligible for SSI, but are determined by the SSA or their state Medicaid agency to have a disability and an income below state-established thresholds.
- Consumers who are seeking Medicaid coverage based on disability must demonstrate they have an impairment that prevents them from performing "substantial gainful activity" for at least one year if they don't receive SSI or SSDI. Once a disability determination is made, the consumer must pass an asset test and meet specific income requirements to be considered for Medicaid eligibility. Most states have Medicaid programs that encourage people with disabilities to work by extending them full Medicaid coverage, even when their employment affects their eligibility for SSA-related disability benefits.
- Some consumers with disabilities who aren't otherwise eligible for Medicaid may wish to purchase health coverage through an FFM. Because eligibility criteria vary, you should refer consumers to their state Medicaid agency for help with Medicaid questions you aren't able to answer.

### **Ryan White HIV/AIDS Program**

The Ryan White HIV/AIDS Program provides HIV-related services for consumers who don't have sufficient health coverage or financial resources. The program fills gaps in coverage not met by other health coverage.

### **Medicare**

Medicare provides health coverage for consumers who are:

- Age 65 and older
- Consumers younger than age 65 who have received Social Security or railroad retirement disability benefits for 25 months
- Consumers younger than age 65 who have been medically determined to have Amyotrophic Lateral Sclerosis (ALS) and who receive Social Security or railroad retirement disability benefits
- Consumers of any age who have End-Stage Renal Disease (permanent kidney failure requiring dialysis or kidney transplant)

Medicare entitlement based on a determination of disability and receipt of disability benefits also requires that consumers, their spouses, or family members have earned sufficient quarters of coverage (QCs). The same number of QCs is required for SSDI eligibility. Consumers who are eligible for or receiving SSDI are also eligible for Medicare after a 24-month waiting period. However, consumers with ALS do not have a waiting period after they begin SSDI and can receive Medicare right away. For more information, visit <http://www.ssa.gov> or <http://www.medicare.gov>.

### **Pharmaceutical Assistance Programs**

Some pharmaceutical companies offer additional pharmaceutical assistance programs, also called prescription drug assistance programs or patient assistance programs. These programs provide free or low-cost medications to consumers who can't afford to buy their medicine. CMS doesn't endorse any particular pharmaceutical assistance program.

# Resources for Consumers with Disabilities

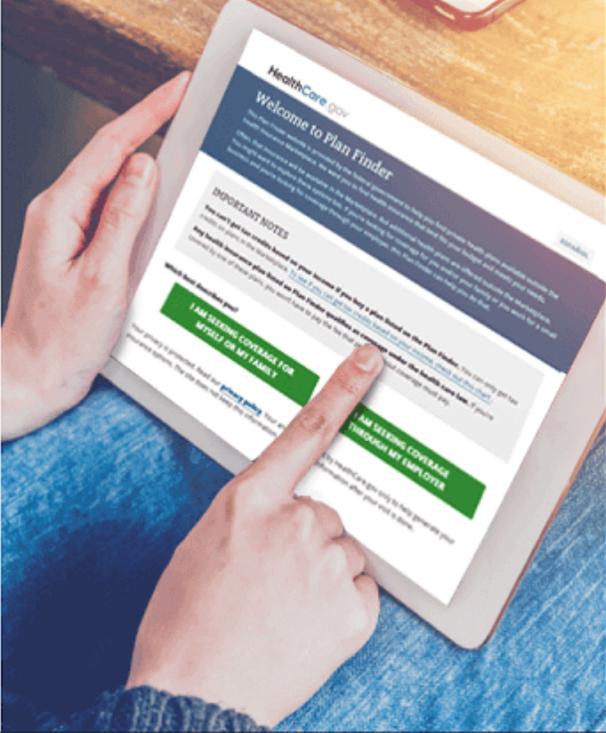
Introduction to Application Assistance Text Version  Exit Course

## Resources for Consumers with Disabilities

Resources are available to help consumers with disabilities get coverage.

The **Resources** section includes the following tools to help consumers with disabilities:

- [Finding Coverage and Pricing Options](#): A tool to help consumers find available private health plans.
- [Your Insurance Company and Costs of Coverage](#): A search tool that allows consumers to find a basic profile of their health insurance company.
- [Understanding Insurance](#): A resource that helps consumers understand their options, rights, and protections under the PPACA.



Menu Help Glossary Resources Map Module 5 of 5 Page 8 of 10

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# Knowledge Check

Introduction to Application Assistance Text Version  Exit Course

## Knowledge Check



Ronna's friend, Barry, is 42 years old and doesn't have health insurance. He's been getting SSDI for almost 2 years. Barry uses a wheelchair and takes prescription medicine to help control pain. He heard he might be able to get health coverage through the FFM in his state.

Which of the following would help Barry in learning about the best health coverage options for him?

Choose **all that apply** and then select **Check Your Answer**.

- A. Information about drug companies offering prescription drug assistance programs.
- B. Information about a plan Ronna selected that should also work for Barry because they both have pre-existing conditions.
- C. Information about Medicare for consumers with disabilities who have been getting SSDI for more than 24 months.
- D. Information about online resources where Barry can get more information to help him understand his health coverage options.

 **Check Your Answer**

MenuHelpGlossaryResourcesMapModule 5 of 5Page 9 of 10

Ronna's friend, Barry, is 42 years old and doesn't have health insurance. He's been getting SSDI for almost 2 years. Barry uses a wheelchair and takes prescription medicine to help control pain. He heard he might be able to get health coverage through the FFM in his state.

Which of the following would help Barry in learning about the best health coverage options for him?

- A. Information about drug companies offering prescription drug assistance programs.
- B. Information about a plan Ronna selected that should also work for Barry because they both have pre-existing conditions.
- C. Information about Medicare for consumers with disabilities who have been getting SSDI for more than 24 months.
- D. Information about online resources where Barry can get more information to help him understand his health coverage options.

The correct answers are A, C, and D. Because Barry takes prescription medication regularly, he may benefit from learning about prescription drug assistance programs (remember to follow [CMS guidance](#) on referring consumers to other organizations when discussing drug assistance programs). Along with providing health coverage for consumers 65 and older, Medicare also provides health coverage for consumers who receive Social Security or railroad retirement disability benefits (after a 24-month waiting period and if consumers, their spouses, or their family members have earned a certain number of QCs) and consumers with certain diseases. Since Barry is approaching the end of the 24-month waiting period, he should know about his upcoming transition to possible Medicare coverage entitlement. Online resources are available to help consumers with disabilities get health coverage. You can discuss all available health plans but you may not disclose to Barry the specific plan Ronna selected without first getting Ronna's consent. Doing so without Ronna's consent would violate the privacy and security standards you agreed to uphold.

# Key Points

Introduction to Application Assistance Text Version  Exit Course

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**Key Points**



- 01 The PPACA expands health coverage options for all consumers, including people with disabilities, and provides them with additional protections.

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- 02 As you would do for all other consumers, your role is to assess the needs of consumers with disabilities and effectively assist them in getting health coverage.

---

- 03 Consumers with disabilities, like all other consumers, should consider cost, accessibility, quality, and adequacy when choosing their health coverage.

---

- 04 Additional coverage options may exist for consumers with disabilities including Medicaid, the SSI and SSDI programs, the Ryan White HIV/AIDS Program, Medicare, and pharmaceutical assistance programs.

MenuHelpGlossaryResourcesMapModule 5 of 5Page 10 of 10

- The PPACA expands health coverage options for all consumers, including people with disabilities, and provides them with additional protections.
- Your role is to assess all consumers' needs effectively, including consumers with disabilities, and to help them get health coverage.
- Like all other consumers, individuals with disabilities should consider cost, accessibility, quality, and adequacy when choosing their health coverage.
- Additional coverage options may exist for consumers with disabilities, including Medicaid, the SSI and SSDI programs, the Ryan White HIV/AIDS Program, Medicare, and pharmaceutical assistance programs.

# Conclusion

Text Version  Exit Course

## Conclusion

Awesome job! In this lesson, you learned about accommodations, modifications, and auxiliary aids and services you may need to provide when assisting consumers with disabilities.

You also learned about best practices and etiquette for communicating with consumers with disabilities.

You have completed this course.  
Please select **Exit Course** to leave the course and take the Working with Consumers with Disabilities exam. Good luck!



Menu Help Glossary Resources Map

Awesome job! In this lesson, you learned about accommodations, modifications, and auxiliary aids and services you may need to provide when assisting consumers with disabilities. You also learned about best practices and etiquette for communicating with consumers with disabilities.

You have completed this course.

## Resources

### Working with Consumers with Disabilities Resources

Americans with Disabilities Act (ADA):

The text of the ADA is available on the official Department of Justice website along with other official releases and guidance regarding federal regulation.

<https://www.ada.gov/index.html>

American Association on Intellectual and Developmental Disabilities (AAIDD) Definition of Intellectual Disability:

AAIDD definition of intellectual disability and links to additional reading about intellectual disabilities.

<http://aaidd.org/intellectual-disability/definition>

National Disability Navigator Resource Collaborative Disability Guide:

A non-CMS-produced guide for Navigators working with consumers with disabilities.

<http://www.nationaldisabilitynavigator.org/ndnrc-materials/disability-guide/>

National Disability Resource Navigator Collaborative Blog and Fact Sheets:

A non-CMS-moderated blog for Navigators that discusses how recent updates released by CMS affect consumers with disabilities. <http://nationaldisabilitynavigator.org/>

Programs in Your State:

An interactive map from InsureKidsNow.gov that helps consumers find children's health coverage options in their state.

<https://www.insurekidsnow.gov/coverage/index.html>

Medicaid Eligibility and Enrollment by State:

An interactive map offering details on each state's Medicaid program.

<https://www.medicaid.gov/medicaid/by-state/by-state.html>

Finding Coverage and Pricing Options:

A federal government website that helps consumers find available private health plans through a locator tool that searches plans by state and other criteria.

<http://finder.healthcare.gov/>

Your Insurance Company and Costs of Coverage:

A federal government website that provides information on insurance companies and associated costs of health coverage. Account creation is required to access information.

<https://data.healthcare.gov/>

Understanding Insurance:

A federal government website that describes the concept of insurance, explains how to apply for coverage, and how to compare options in a Health Insurance Marketplace®.

<https://www.healthcare.gov/using-marketplace-coverage/common-questions/>

Final Rule:

The regulations implementing Section 1557 of the PPACA are found at 45 CFR Part 92. The HHS Office for Civil Rights (OCR) Nondiscrimination in Health Programs and Activities Final Rule Implementing Section 1557 (Final Rule) of the PPACA is available [here](#). OCR has related resources on disability discrimination, including information on Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, on its website.

<https://www.hhs.gov/civil-rights/for-individuals/disability/index.html>.

Discrimination Complaints:

Consumers who believe they have been discriminated against under Section 1557, Section 504, or Title II of the ADA may file a complaint with OCR.

<http://www.hhs.gov/civil-rights/filing-a-complaint/complaint-process/index.html>