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Fact Sheet Series

PRACTICAL GUIDANCE FOR MEDICAL PROFESSIONALS: HELPING PATIENTS WRITE EFFECTIVE ACCOMMODATION REQUEST LETTERS

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JAN'S ACCOMMODATION FACT SHEET SERIES

PRACTICAL GUIDANCE FOR MEDICAL PROFESSIONALS

HELPING PATIENTS WRITE EFFECTIVE ACCOMMODATION REQUEST LETTERS

Under the Americans with Disabilities Act (ADA), covered employers must provide reasonable accommodations for employees with disabilities. However, before an employer has any obligation to provide an accommodation, an employee must make an accommodation request and if asked, provide appropriate documentation. Medical professionals can play a key role in the success of workplace accommodations for their patients with disabilities by helping them write effective accommodation request letters and providing sufficient medical documentation. The following discusses what information might be included in an accommodation request letter and related medical documentation.

Using Letterhead

Employers tend to place more value on medical documentation that is on professional letterhead and in some cases, employers will not even accept medical documentation unless it is on letterhead. To save time and help insure that medical documentation is sufficient, accommodation request letters should be done on letterhead.

Documenting Disability

Under the ADA, when an employee requests an accommodation and the disability is not known or obvious, employers can require medical documentation that the disability exists. The ADA contains a specific definition of disability: an impairment that substantially limits one or more major life activities. Therefore, when documenting that a patient has a disability, medical professionals may want to use the ADA's specific language so the information will be helpful for employers.

The first piece of information to include is the patient's diagnosed impairment. If the patient is hesitant to provide the diagnosis, a more general statement about the medical condition may suffice, but if the employer insists on having the diagnosis it should be provided or the documentation may be considered insufficient. According to the Equal Employment Opportunity Commission (EEOC), documentation is insufficient if it does not specify the existence of an ADA disability and explain the need for reasonable accommodation.

The next piece of information to include when documenting disability under the ADA is information about what major life activity the impairment substantially limits. There are two categories of major life activities. The first includes, but is not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

The second category of major life activities is major bodily functions, which includes but is not limited to, functions of the immune system, normal cell growth, digestive, bowel,

bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Once a disability is established, employers have an obligation to accommodate any limitations resulting from the disability, even limitations that are not substantial. One important thing to remember is that the major life activity that establishes that a patient has a disability is not necessarily the same major life activity that is affecting the patient at work and for which the accommodation is needed.

Providing Accommodation Information

Under the ADA, employers are responsible for coming up with and providing effective accommodations. However, employers do not always know what accommodations might work so it may be helpful to provide any accommodation ideas that the medical professional and patient have. In addition to accommodation ideas, this part of the letter should include information about what limitations are causing the patient's work-related problems and what those problems are. The goal here is to help the employer understand the problem and start exploring solutions. Here are a few examples:

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

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

Example C: Because of Patient X's progressive vision loss and associated blurred vision, she is having difficulty reading her computer screen and paper copies of reports. One accommodation that might be useful for her computer access is screen reading software. For reading paper copies, a stand magnifier that magnifies four times the regular print may work for now, but because the vision loss is progressive, a better option might be to scan in documents so Patient X can read reports on her computer.

Offering to Follow Up

In the final section of an accommodation request letter, medical professionals should offer to address any specific questions the employer has about the employee's accommodation needs and to discuss other accommodation options if needed. When making an accommodation request, employees want to be careful not to lock themselves into only one accommodation solution because if the employer cannot provide that accommodation, the employer may conclude that an employee is no longer qualified. This final part of the letter helps address this issue by leaving open the door for additional discussion.

Accommodation Request Letter

Letterhead

Dear Employer Name

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

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

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

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

Sincerely,

Medical Professional's Signature

Medical Professional's Name

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