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U.S. Attorney's Office

District of Connecticut

FOR IMMEDIATE RELEASE

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ADA Settlement Ensures Access for Deaf and Hard of Hearing Individuals at Concentra Facilities Nationwide

John H. Durham, United States Attorney for the District of Connecticut, today announced that the government has reached a settlement agreement under the Americans with Disabilities Act of 1990 ("ADA") with CONCENTRA, which will ensure access to effective communication for deaf and hard of hearing individuals at Concentra's patient-facing facilities throughout the U.S.

Concentra, based in Addison, Texas, is a national health care company that, through its affiliated clinicians, provides occupational medicine, urgent care, physical therapy and wellness services at more than 520 medical centers in 44 states, and serves employers at an additional 140 onsite medical facilities. The settlement agreement applies to Concentra Health Services, Inc. and its managed professional medical entities situated throughout the United States.

This matter was initiated upon receipt of a complaint filed with the U.S. Attorney's Office for the District of Connecticut by Disability Rights Connecticut, a non-profit advocacy organization based in Hartford. Disability Rights Connecticut filed the complaint on behalf of the complainant who is profoundly deaf. The complaint alleges that the complainant required physical therapy related to a workplace injury and went to Concentra's location in Norwich, Connecticut. At his initial appointment at Concentra, the complainant informed his physical therapist that he was deaf and required an interpreter to communicate effectively. In response to this request, the complainant was told that he would have to provide his own interpreter. The complainant requested that an interpreter be provided to him for his subsequent visits to Concentra. At each follow up appointment, the complainant renewed his request for an interpreter. Throughout his course of treatment at Concentra, the complainant was never provided with interpreter services.

Title III of the ADA requires places of public accommodation to provide appropriate auxiliary aids and services, such as qualified interpreters, where necessary to ensure effective communication with individuals with disabilities. Places of public accommodation are prohibited from requiring an individual with a disability to bring another individual to interpret for him or her. Similarly, places of public accommodation may not charge a surcharge to individuals with disabilities for measures, including auxiliary aids and services like interpreters, that are required to provide the individual with a disability with nondiscriminatory treatment under the ADA. As a network of professional offices providing healthcare services, Concentra is a public accommodation under Title III of the ADA and its facilities are places of public accommodation.

The settlement agreement resolves the complaint received by the government that Concentra violated Title III of the ADA by failing to provide effective communication to the complainant. The terms of the settlement agreement require Concentra to provide appropriate auxiliary aids and services free of charge, including qualified interpreters, at all of its patient facilities to individuals who are deaf or hard of hearing whenever it is necessary to ensure effective communication for those individuals. Concentra will also submit an effective communication policy, which includes a grievance procedure, to the U.S. Attorney's Office for approval and, following approval, will implement the policy nationwide and post the policy on its website. Concentra will designate a national ADA coordinator who will be responsible for implementing the terms of the settlement agreement and who will be the point person for investigating patient complaints as part of the newly established grievance process outlined in the effective communication policy. Concentra will provide ADA training to staff members nationwide. In addition, Concentra will compensate the complainant in the amount of \$7,500.

The ADA authorizes the U.S. Department of Justice to investigate complaints and undertake periodic reviews of compliance of covered entities. The Justice Department is also authorized to commence a civil lawsuit in federal court in any case that involves a pattern or practice of discrimination or that raises issues of general public importance, and to seek injunctive relief, monetary damages, and civil penalties.

"This case reflects this office's steadfast commitment to protecting the rights of those who are deaf or hard of hearing and ensuring that these individuals are able to effectively communicate with health care professionals throughout the State of Connecticut and the nation," said U.S. Attorney Durham. "I thank Concentra's management for their cooperation during this investigation and for addressing these ADA issues without the need for litigation."

This matter was handled by Assistant U.S. Attorney Jessica H. Soufer of the District of Connecticut in coordination with the Disability Rights Section of the U.S. Department of Justice Civil Rights Division.

Any member of the public who wishes to file a complaint alleging that the office of a health care provider or any other place of public accommodation or public entity in Connecticut is not accessible to persons with disabilities may contact the U.S. Attorney's Office at 203-821-3700.

Additional information about the ADA can be found at www.ada.gov, or by calling the Justice Department's toll-free information line at (800) 514-0301 and (800) 514-0383 (TTY). More information about the Civil Rights Division and the laws it enforces is available at www.justice.gov/crt.

Topic(s):

Civil Rights

Component(s):

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