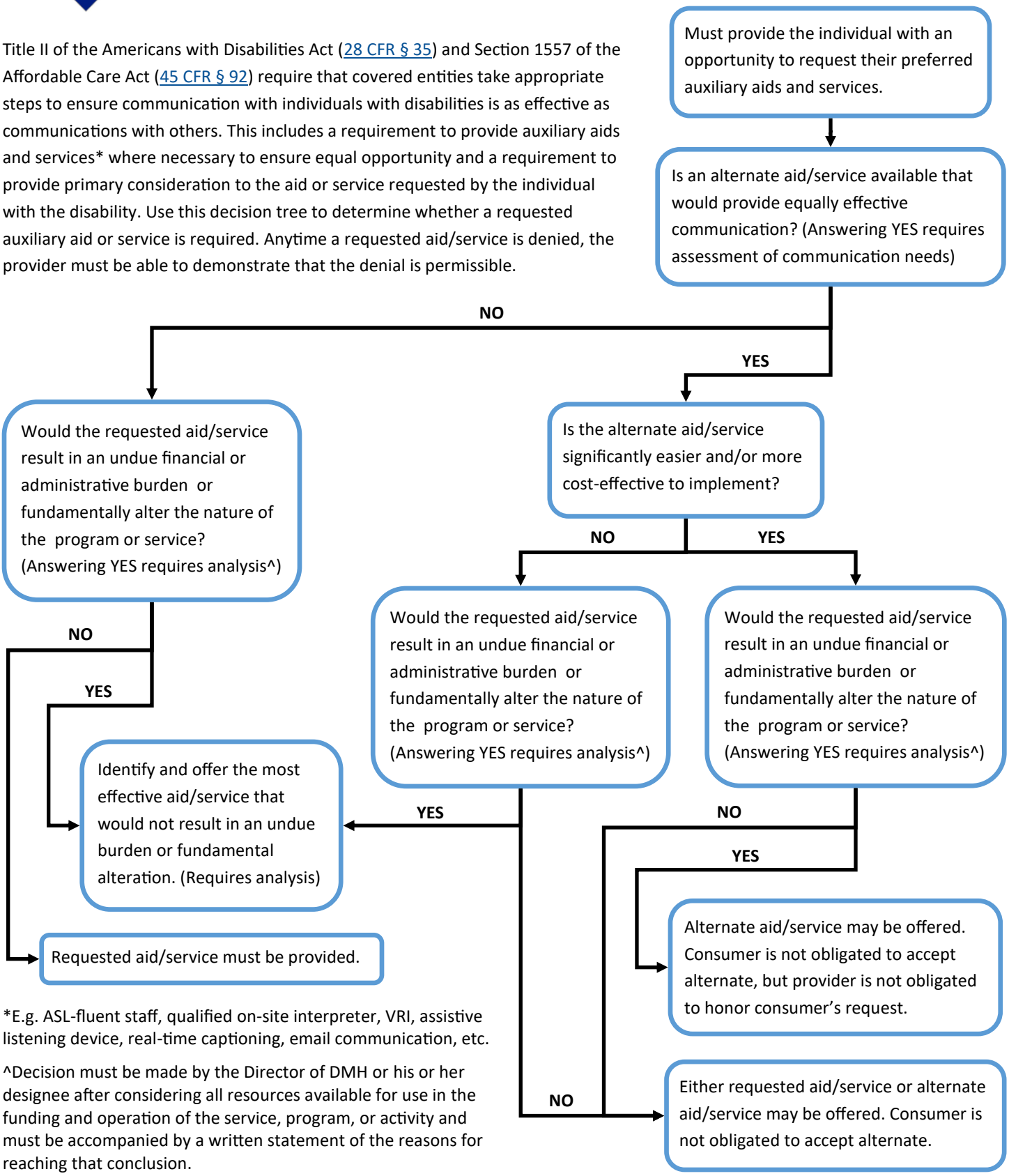
MISSOURI DEPARTMENT OF MENTAL HEALTH

Office of Deaf Services

Effective Communication Under ADA Title II and ACA Section 1557

Title II of the Americans with Disabilities Act (28 CFR § 35) and Section 1557 of the Affordable Care Act (45 CFR § 92) require that covered entities take appropriate steps to ensure communication with individuals with disabilities is as effective as communications with others. This includes a requirement to provide auxiliary aids and services* where necessary to ensure equal opportunity and a requirement to provide primary consideration to the aid or service requested by the individual with the disability. Use this decision tree to determine whether a requested auxiliary aid or service is required. Anytime a requested aid/service is denied, the provider must be able to demonstrate that the denial is permissible.



*E.g. ASL-fluent staff, qualified on-site interpreter, VRI, assistive listening device, real-time captioning, email communication, etc.

^Decision must be made by the Director of DMH or his or her designee after considering all resources available for use in the funding and operation of the service, program, or activity and must be accompanied by a written statement of the reasons for reaching that conclusion.