



Center for Public
Representation

YOUR RIGHT TO COVID-19 VACCINE ACCOMODATIONS IN MASSACHUSETTS: WHAT YOU NEED TO KNOW

The COVID-19 pandemic has profoundly impacted older adults, people with disabilities, individuals from communities of color, and those with underlying health conditions. These groups have not only been at a higher risk for contracting the virus, but also for experiencing severe illness and death due to COVID-19.

The COVID-19 vaccines offer potentially life-saving protection from the coronavirus. Massachusetts has given some members of these high-risk communities priority access to the vaccine. However, people with disabilities continue to face barriers in accessing and navigating State vaccination programs because these programs have not always been designed with their needs in mind.

Federal and State laws obligate Massachusetts to address the needs of people with disabilities in a reasonable manner. This is called a “reasonable accommodation.” Reasonable accommodations are required to ensure that people with disabilities have the same access to the Massachusetts’ vaccination program as non-disabled people. This means that public and private entities are required to adjust or modify their services to remove physical, communication, or other barriers to care. Reasonable accommodations allow people with disabilities to benefit from State vaccination programs.

This document provides information about your rights as a person with a disability to request and receive accommodations in the vaccination process. It includes information on:

- what laws require reasonable accommodations;
- what accommodations are already available at Massachusetts’ vaccination sites;
- how you can request further accommodations; and
- how to report concerns about discrimination or lack of reasonable accommodation in the vaccination process.

Sources of Legal Rights

What is a reasonable accomodation?

Generally, a reasonable accommodation is an adjustment to a physical space, program, policy, rule, or process. That adjustment enables a person with a disability to have equal access to the benefits of that program or service. Reasonable accommodations are required so long as they do not fundamentally alter the nature of the service or program.

What laws entitle persons with disabilities to reasonable accommodations or program modifications?

Both federal and State laws create obligations to provide reasonable accommodations to people with disabilities.

- The **Americans with Disabilities Act (ADA)** prohibits public entities, like State agencies, and places of public accommodation, like health centers or clinics, from denying qualified individuals the equal enjoyment of their goods, services and facilities. People with disabilities cannot be provided with separate or unequal benefits, or denied reasonable modifications in policies, practices, or procedures, unless those modifications would fundamentally change the program or service. 42 U.S.C. § 12182; see *also*, 42 U.S.C. § 12181(7)(F); 28 CFR § 36.201.
- **Section 504 of the Rehabilitation Act of 1973** states that individuals may not be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance, including those principally involved in the business of health care. 29 U.S.C. § 794.
- **Section 1557 of the Affordable Care Act (ACA)** also provides that no health program or activity that receives federal funds, nor any program or activity administered or established under Title I of the ACA, may discriminate against a person protected by Section 504. 42 U.S.C. § 18116; 45 C.F.R. § 92.2(b)(4).
- Massachusetts' Public Accommodation Law prohibits discrimination based on physical or mental disability, including restricting admission to and treatment by health care facilities. See, M.G.L. c. 272, §98.
- For additional information about rights and responsibilities under these federal statutes, you may contact the ADA Information Line at 800-514-0301 (voice) or 800-514-0383 (TTY) or visit <https://www.ada.gov/>.

How do these disability laws apply to State vaccination programs?

- People with disabilities may require additional assistance or changes to existing vaccination programs in order to have equal access to the vaccine.
- COVID-19 vaccine programs are supported by federal funding. Vaccine distribution plans are overseen by State agencies. Most State plans rely on vaccination sites that meet the definition of "public accommodations."
- State agencies and places of public accommodation have obligations to provide equal access to their vaccine programs, and to make reasonable accommodations where needed to ensure that disabled people can benefit from these programs.

What has the federal government said about the importance of equitable access to vaccines for disabled people?

- **The Administration on Community Living (ACL)** has published best practices on accommodating individuals with disabilities and older adults in the vaccination process. See <https://acl.gov/covid19/VaccineAccessStrategies>
- The federal **Health and Human Services Office of Civil Rights (OCR)** has reaffirmed that states and federally-funded vaccine programs must comply with all federal disability laws including the ADA and Section 504 of the Rehabilitation Act. This includes providing reasonable accommodations to people with disabilities that ensure equal access to the vaccine and other medical resources. See, <https://www.hhs.gov/about/news/2021/04/13/new-legal-guidance-and-resources-to-ensure-and-expand-access-to-covid-19-vaccines-for-people-with-disabilities-and-older-adults.html>
- The **Federal Emergency Management Administration (FEMA)** has produced bulletins on protecting civil rights in the COVID-19 response, and a checklist for civil rights considerations in vaccine distribution.
 - See, www.fema.gov/sites/default/files/2020-07/fema_ensuring_civil_rights_during_covid-19_response.pdf
 - https://www.fema.gov/sites/default/files/documents/fema_civil_rights_covid-19_vaccine_checklist_02-06-2021.pdf

Accommodations that are already available

What are Mass vaccination sites and where are they located?

- Mass vaccination sites are large vaccination centers that are run by the Massachusetts State government in collaboration with contracted vendors and the federal government.
- There are currently 7 Mass vaccination sites:
 - Gillette Stadium in Foxborough
 - The Natick Mall in Natick
 - The Eastfield Mall in Springfield
 - The former Circuit City in Dartmouth
 - The Double Tree Inn in Danvers
 - The Reggie Lewis Center in Boston
 - The Hynes Convention Center in Boston.
- The Commonwealth has announced that four of these Mass vaccination sites will close by the end of June, 2021. This will allow additional vaccine to be distributed to mobile clinics and local settings like doctors' offices.

Baker announces plans to close four mass vaccination sites in June, shift supply to regional sites, Travis Andersen and Martin Finucane, Boston Globe, May 3, 2021; available at <https://www.bostonglobe.com/2021/05/03/metro/baker-says-state-plans-close-four-seven-mass-vaccination-sites-june-outperforming-rest-country/?event=event12>

How do I find more information about getting the COVID-19 vaccine in Massachusetts?

- For information about the COVID-19 vaccine, including eligibility and how to schedule an appointment, visit: www.mass.gov/Covid-19-vaccine.
- People who have difficulty using the website can call 2-1-1 to schedule an appointment by phone or they can have another person pre-register on their behalf using the following link: <https://vaccinesignup.mass.gov>.
- Once you have an appointment, it may be useful to review the State's guide on how to prepare for your appointment, which can be found at the following link: <https://www.mass.gov/guides/how-to-prepare-for-your-covid-19-vaccine-appointment>.

What accommodations are already in place at all Mass vaccination sites in Massachusetts?

- You can bring a caregiver, staff, or support person to your appointment.
- Service animals are allowed and have designated relief areas.
- All sites are wheelchair and mobility accessible and have drop-off areas as well as accessible parking. If you need mobility assistance at the site, you can ask any staff person or you can call the site in advance for more information and assistance.
- All sites have private, low-sensory areas available if you need a sensory accommodation. You are also allowed to bring sensory items with you, like fidget toys or headphones.
- All sites have a virtual language line on-site that can provide interpreter services for over 100 languages, including ASL. A virtual language line is a video call to an interpreter. It is also called Virtual Remote Interpreting (VRI). You do not need to bring your own technology to access the virtual language line. If you prefer, you can bring your own interpreter to your vaccination appointment.
- Some Mass vaccination Sites also provide in-person ASL interpreters on certain days.

Detailed information on exactly what accommodations are already available at each Mass Vaccination site are listed in the [linked google spreadsheet](#).

What if I have more questions about the accommodations available at a Mass vaccination site?

- You can call the Mass vaccination sites to ask questions about reasonable accommodations and to ask for an accommodation that is not on the State's list.

- For appointments at Gillette Stadium in Foxboro, the Hynes Convention Center in Boston, or the Reggie Lewis Center in Boston call (888) 623-3830 7 days a week between 8:00 am and 8:00 pm.
- For appointments at the Eastfield Mall in Springfield, the Double Tree Hotel in Danvers, or the former Circuit City in Dartmouth call (888) 702-9042 Monday-Saturday from 8:00 am to 11:00 pm or Sunday between 8:00 am and 9:00 pm.
- For appointments at the Natick Mall, call (888) 990-6066 weekdays from 7:00 am to 7:00 pm or weekends from 9:00 am to 2:00 pm.

What if I go to another vaccination site in my community?

- Privately-operated vaccination sites like pharmacies, health clinics, and hospitals also have obligations to under State and federal law to provide equal access to the vaccine and to avoid discrimination on the basis of disability. They are considered places of public accommodation, and may be receiving federal funds as part of the COVID-19 vaccination program.
- Call ahead to your preferred vaccination site to make a specific reasonable accommodation request. If your request is denied, or you discover a privately-operated vaccination site is not accessible, consider reporting that information as described below.

What if I need transportation to and from my vaccination appointment?

- If transportation to and from your vaccine appointment is a barrier to you getting the vaccine, and you are a MassHealth member, then you can request nonemergency transportation services.
- All MassHealth members, and people eligible for Health Safety Net, are eligible for free transportation to and from their COVID-19 vaccine appointment.
- For more information on transportation to COVID-19 vaccine appointments please reference the MassHealth Transportation FAQ or call MassHealth Customer Service at (800) 841-2900 or TTY (800) 497-4648.
- Wheelchair accessible transportation should be made available upon request.

What if I can't leave my home to get the vaccine?

- If you have a disability and cannot get to a Mass Vaccination site, even with transportation assistance, then you may be able to request in-home vaccination.
- Massachusetts has developed a statewide program to offer in-home vaccinations for individuals who cannot leave their home to get vaccinated.

- For more information about in-home vaccinations, including who is eligible, contact the Homebound Vaccination Central Intake Line at 1-833-983-0485. The intake line is open Monday through Friday, 9:00 am to 5:00 pm. Information is available in both English and Spanish, with access to translators for over 100 languages. You also can visit <https://www.mass.gov/info-details/covid-19-homebound-vaccination-program>.
- Massachusetts has expanded its mobile vaccination program, launching outreach programs in Chelsea, Revere, Boston, Fall River and New Bedford. More information about mobile vaccines can be found at: <https://www.mass.gov/news/baker-polito-administration-announces-mobile-vaccination-additional-support-for-disproportionately-impacted-communities>

Requesting accommodations and reporting inaccessibility

What if the accommodation I need is not already offered at any Mass vaccination site?

- If the accommodation you need is not already offered at a Mass vaccination site, then you can request an additional reasonable accommodation prior to your appointment.
- It is important to ask for any reasonable accommodations you need because of your disability, including assistance communicating with medical or site staff and/or having your personal care needs met.
- You should make your request clearly, firmly, and politely.
- If possible, make your request in advance of your vaccination appointment, and follow up in writing.

What if I have more questions or need help filing a request for accommodation?

- If you have questions about an accommodation or need further assistance accessing the vaccination program in Massachusetts, there are community organizations available to help. The following organizations have received federal funds to support continued access to and accessibility of State vaccine programs:
 - Area Agencies on Aging (AAAs)
 - Aging and Disability Resource Centers (ADRCs)
 - Assistive Technology (AT) programs
 - Centers for Independent Living (CILs)
 - State (DD) Councils on Developmental Disabilities
 - Protection and Advocacy (P&A) agencies, and
 - University Centers on Excellence in Developmental Disabilities Education, Research, and Service (UCEDDs).

What if I have difficulty communicating because of my disability?

- If you or your family member cannot communicate verbally because of a disability, ask for auxiliary aids, devices, or other reasonable modifications needed for effective communication with healthcare and site staff. This can include sign language interpreters, written materials in alternative formats, or use of a white board or an electronic device.
- If you have your own adaptive communication devices, then you should bring those with you to your vaccination appointment.

What should I do if I encounter accessibility barriers or feel I am being discriminated against?

- If you have concerns about inaccessibility at Mass vaccination sites, or in the vaccine appointment process you can contact the Massachusetts Department of Public Health at (617) 624-6000 to report your experience.
- If you think you have been wrongly denied a reasonable accommodation or otherwise discriminated against because of your disability, race or other protected status, the following resources are available:
 - The Massachusetts Attorney General's Office of Civil Rights online complaint process, available at <https://www.mass.gov/how-to/file-a-civil-rights-complaint>.
 - For more information about the work of the Civil Rights Division call (617) 963-2917 or visit <http://www.mass.gov/ago/civilrights>.
 - The Massachusetts Department of Public Health, Office of Health Equity at (617) 624 5590.
 - The Center for Public Representation at (413) 586-6024 or <https://www.centerforpublicrep.org>.
 - The Disability Law Center at (800)872-9992 or <https://www.dlc-ma.org/online-intake-form/>.
 - The Mental Health Legal Advisors Committee at 1-800-342-9092, TTY 617-227-6500 or www.mhlac.org