

AMERICAN MEDICAL ASSOCIATION HOUSE OF DELEGATES

Resolution: 220
(I-17)

Introduced by: American Academy of Physical Medicine and Rehabilitation

Subject: Preserving Protections of the Americans with Disabilities Act of 1990

Referred to: Reference Committee B
(Ralph J. Nobo, Jr., MD, Chair)

1 Whereas, Recently introduced proposed legislation, H.R. 620: The ADA Education and Reform
2 Act of 2017, would amend the Americans with Disabilities Act of 1990 to promote compliance
3 through education, to clarify the requirements for demand letters, and to provide for a notice and
4 cure period before the commencement of a private civil action; and
5
6 Whereas, H.R. 620 provides for the Disability Rights Section of the Department of Justice to
7 develop a program to educate state and local governments and property owners on strategies
8 for promoting access for persons with a disability; and
9
10 Whereas, The most concerning portion of this proposed legislation, the “notice and cure” period,
11 would essentially require a person with a disability to send a letter of notification to a business or
12 other public facility that it was out of compliance with the law, and allows a grace period before
13 one could file suit. This provision allows for the business or other public facility to report on how
14 the situation will be fixed within 60 days, and allows another 120 days for the business to fix or
15 make substantial progress toward rectification; and
16
17 Whereas, This provision would remove the incentive for businesses and other public facilities to
18 voluntarily comply with the ADA’s accessibility requirements; and
19
20 Whereas, This bill was designed to prevent non-meritorious lawsuits based on noncompliance
21 with Title III of the ADA; however, the courts already have tools to address fraudulent or
22 unscrupulous claims; and
23
24 Whereas, It would become the responsibility of the persons with a disability to act to address the
25 barriers to access with the business owner, placing the heaviest burden of responsibility on
26 individuals with disabilities, who the law was intended to protect; and
27
28 Whereas, Similar legislation has been recently introduced, such as H.R. 1493: ADA Law Suit
29 Clarification Act of 2017, and H.R. 3571: The Reasonable ADA Compliance Act of 2017;
30 therefore be it
31
32 RESOLVED, That our American Medical Association support legislative changes to the
33 Americans with Disabilities Act of 1990, to educate state and local government officials and
34 property owners on strategies for promoting access to persons with a disability (New HOD
35 Policy); and be it further

1 RESOLVED, That our AMA oppose legislation amending the Americans with Disabilities Act of
2 1990, that would increase barriers for disabled persons attempting to file suit to challenge a
3 violation of their civil rights. (New HOD Policy)

Fiscal Note: Minimal - less than \$1,000.

Received: 10/10/17

References

[H.R. 620: The ADA Education and Reform Act of 2017](#)

RELEVANT AMA POLICY

Threats Against Physicians Based on Americans With Disabilities Act D-90.994

Our AMA encourages AMA members who are threatened with non-meritorious lawsuits, supposedly founded on the Americans with Disabilities Act, to contact the AMA's Private Sector Advocacy Group for assistance. The AMA will post a notice on its web site, informing physicians how to report such incidents.

Citation: BOT Rep. 6, I-05; Reaffirmed: BOT Rep. 10, A-15

Enhancing Accommodations for People with Disabilities H-90.971

Our AMA encourages physicians to make their offices accessible to patients with disabilities, consistent with the Americans with Disabilities Act (ADA) guidelines.

Citation: Res. 705, A-13