

## **Accommodations for Disabilities Policy #0.11**

### **I. Purpose**

This policy is set forth to ensure that all qualified residents/fellows are provided accommodations for disabilities consistent with all applicable laws and regulations.

### **II. Definition**

According to the Americans with Disabilities Act (ADA) of 1990, and amendments, the term “disability” means, with respect to an individual, a person with a physical or mental impairment that substantially limits one or more of the major life activities. Such activities include caring for oneself, performing manual tasks, walking, speaking, seeing, hearing, breathing, learning or working; has a record of such impairment, even if the individual no longer has the impairment; or is regarded as having a substantially limiting impairment even though that individual is not actually impaired.

### **III. Policy**

Residents/Fellows who have a disability shall not be excluded from participation in, denied the benefits of, or subjected to discrimination in connection with the KCU-GME Consortium, its programs, or the services they offer. KCU GME, in conjunction with each program, is committed to the fair and equal employment of residents/fellows with disabilities. KCU GME programs are committed to providing accessible facilities and reasonable accommodations, compliant with the Americans with Disabilities Act (ADA) of 1990, for qualified residents/fellows with verified disabilities, unless such accommodations would impose undue hardship on the institution, the program, or venues of training.

KCU GME and its programs are not required to provide an accommodation that compromises the essential requirements of the relevant training program, imposes an undue financial burden, or poses a direct threat to the health or safety of the resident/fellow or others.

Residents/Fellows with disabilities will be required to satisfactorily meet the program's performance criteria, requirements, and expectations.

All applicants and residents/fellows, regardless of whether they have a disability or have received accommodations, must be able to meet the following standards, unless a program has determined that one or more of the following standards does not apply to their specialty. These standards are essential requirements of KCU GME programs and are designed to qualify graduates for competent and independent practice.

1. Observation: Applicants and residents/fellows must be able to: (1) observe demonstrations and participate in clinical care; and (2) accurately observe patients.

2. **Communication:** Applicants and residents/fellows must be able to: (1) speak intelligibly, hear adequately, observe patients to elicit and transmit information, describe changes in mood, activity, and posture, and perceive non-verbal communications; (2) communicate effectively and efficiently both orally and in writing with all members of the health care team; (3) possess reading skills at a level sufficient to accomplish curricular requirements and provide clinical care; and (4) complete appropriate medical records and other documents in an efficient and timely manner.
3. **Sensory and Motor Skills:** Applicants and residents/fellows must: (1) possess sufficient sensory and motor function to elicit information using various diagnostic procedures; (2) be able to execute motor movements reasonably required to provide care and treatment to patients; and (3) be able to coordinate both gross and fine muscular movements and maintain equilibrium.
4. **Intellectual, Conceptual, Integrative, and Quantitative Abilities:** Applicants and residents/fellows must: (1) be able to identify significant findings from, and make recommendations based upon, a patient's history, physical examination, and laboratory data in an efficient and timely manner; (2) possess the ability to incorporate new information from peers, supervisors, and medical literature in formulating diagnoses and plans; and (3) possess good judgment in patient assessment and in diagnostic and therapeutic planning.
5. **Behavioral and Social Attributes:** Applicants and residents/fellows must: (1) possess the emotional health required for full use of their intellectual abilities, the exercise of good judgment, and the prompt completion of all responsibilities attendant to the diagnosis and care of patients; (2) exhibit the development of mature, sensitive, and effective relationships with patients, colleagues, clinical and administrative staff, and all others in the professional or academic setting; (3) be able to tolerate taxing workloads and function effectively under stressful conditions; (4) be able to adapt to changing environments, display flexibility, and learn to function in the face of uncertainties inherent in the care of many patients; and (5) be able to accept appropriate suggestions and criticism and, if necessary, respond by modification of behavior.

#### **IV. Procedure**

Applicants and residents/fellows who cannot meet the standards outlined above will not be able to fulfill the essential requirements of the training program and may be denied admission to or excluded from the program on that basis.

Residents/Fellows with disabilities may request reasonable accommodation at any time during residency/fellowship training, but in order to receive maximum benefit from their residency training time, requests for accommodations should be made as early in the training program as possible.

Residents/Fellows who wish to seek reasonable accommodation must submit to the Program Director current documentation from a qualified professional that verifies the existence of a disability by articulating a diagnosis that describes the nature and severity

of functional limitations that result from the disability, including how the disability affects the resident's/fellow's ability to comply with the standards applicable to their program, describes the duration for which such functional limitations are expected to continue, and suggests possible reasonable accommodations that they may consider appropriate in light of the standards needed to competently and independently practice their specialty.

It is the resident's/fellow's responsibility to obtain the required documentation in a timely manner, and the program nor KCU GME is not required to pay for any required diagnosis or testing. The type, nature, and extent of documentation required may vary depending on the disability.

Residents/Fellows may have to update or augment documentation to ensure that the program has all information necessary to evaluate a request for reasonable accommodation.

#### Determination of Reasonable Accommodation

The Program Director will review the request and determine whether additional information is needed from the resident's health care provider. The resident/fellow will be furnished any additional forms or questionnaires needed for their health care provider to complete.

The Program Director will evaluate the information received from and about the resident/fellow to determine the resident's/fellow's eligibility and to determine whether the requested accommodation would be reasonable, effective, and enable the resident/fellow to perform the essential functions of the position and achieve the essential educational goals and program objectives.

The Program Director may seek input on a confidential basis from other service providers to determine whether the required documentation is adequate or an accommodation is reasonable.

Requests for an accommodation that infringe on patient care, require unreasonable faculty support or resources, or infringe on the rights of other resident physicians to maintain a quality education environment, may not be granted.

Once an accommodation has been approved and the resident/fellow has subsequently received those accommodations, the resident/fellow will be held to the same essential performance standards as all other residents/fellows. Focus should be on the resident's/fellow's performance in all evaluations and written evaluations should not mention disabilities or accommodations for disabilities in any way. The Program Director must follow up on the resident's/fellow's status/progress at least annually, or more often if needed.

The Program Director must notify the DIO of request for accommodation, the determination of requests for accommodation, and provide annual status updates for accommodations currently in place.

Confidentiality of Records

All medical-related information related to a disability shall be kept confidential and maintained separately from other resident/fellow records. However, supervising faculty may be advised of information necessary to make the determinations they are required to make in connection with the request for an accommodation.

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