

## The Physically Challenged Patients



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## Stacy McConkey, MD

Dr. McConkey currently serves as the pediatric residency program director for Florida Hospital in Orlando, and associate professor at both the University of Central Florida and Florida State University. She is a general pediatrician with a focus on children with special healthcare needs and behavior problems. Dr. McConkey has been teaching for 10 years on specialty topics in behavior and a variety of general pediatric topics.

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## Learning Objectives

1. Recognize some of the legal, social and cultural aspects of disability that impact medical care
2. Describe the aspects of the Americans with Disabilities Act that pertain to outpatient Family Medicine Practice and how offices can be compliant with the ADA
3. Understand the IDEA act for Children, how it pertains to those with disabilities and how physicians can advocate for patients through IEP or 504 plans
4. Understand your role as primary care physicians in assisting patients with Transition and Guardianship needs
5. Establish a patient centered approach for prescribing assistive technology devices, with a focus on Medicare/ Medicaid rules and regulations.

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## Audience Engagement System

The image shows three sequential screenshots of a mobile application interface for an audience engagement system. Step 1 shows a home screen with various icons and a search bar. Step 2 shows a list of courses with details like '7am', 'Adult Attention & Behavior Eval', and 'CME01 Adult Comorbidity Syndromes'. Step 3 shows the details for 'CME01 Adult Comorbidity Syndromes: Unchain My Heart', including a description and a 'View Details' button.

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## Epidemiology



- CDC: reports that over 35 million adults (15% of the population) has physical functioning difficulty
- 25 million (61.1 %) of non institutionalized adults over 65
- 14.6 million children (19.8%) ages 0-17 years in the US have Special Healthcare Needs

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## Definitions

- Americans with Disabilities Act 1990
  - Physical or mental impairment that substantially limits at least one major life activity:
    - Personal care needs
    - Manual tasks
    - Hearing, vision
    - Breathing
    - Thinking
    - Learning
    - Working



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## Definitions

- Children with Special Healthcare Needs:
  - Maternal and Child Health Bureau (Title IV) : those who have or are at increased risk for a chronic physical, developmental, behavioral, or emotional condition and who also require health and related services of a type or amount beyond that required of children generally

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## Americans with Disabilities Act 1990

- Federal Civil Rights law
- Prohibits discrimination against individuals with disabilities in every day activities
- Medical care
- Part II vs Part III
- Cost of ADA
  - Who pays
  - Tax Credits



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## Who is doing the talking?

- 13 yo is brought in by his very concerned parents.
- Appointment note says : behavioral concerns
- Upon entering the room, you realize that both parents and the child are deaf.



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## So my office is already ADA compliant, right?

Quiz:

1. Can I examine a patient in his wheelchair?
2. Can I tell a patient that they have to bring someone to help them during their appointment?
3. Can you refuse to see patients with disabilities because you don't have the equipment needed?
4. Can I charge a patient or their insurance for the cost of a sign language interpreter?

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## Some Ideas to Improve ADA Compliance

- Wheelchair scales
- Exam beds that lower
- Lighting
- Handouts in large print/braille
- Staff trained to safely move patients
- Lifts for patients

[www.ada.gov](http://www.ada.gov)

[www.pacer.org/publications/adaqa/health.asp](http://www.pacer.org/publications/adaqa/health.asp)



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## Improving your Comfort with Disabled Patients

- Give yourself some time
- Interact with the patient first
- Go head to toe
- Ask family members or patient about their needs, plans
- Be familiar with local resources
- Its ok if you don't know



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## Blind, Deaf Blind, Vision Impaired and Deaf



- "How can I be of assistance to you Mrs. Jones?"
- Evaluate your patient (and family) experience
- Communication with Deaf:
  - Interpreter types: American Sign Language, Signed English, Oral Interpreters, Cued Speech interpreters, Brailtalk tactile device
  - Assistive listening devices
  - TDD- not mandatory (undue burden)
  - Do NOT rely on lip reading or family members
  - Use caution with writing

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## The Cost of ADA

Tax credits for businesses

for costs >\$250 to \$10,250 – deduct 50% up to \$5,000 per year

What if you are not ADA compliant?

Individuals can file complaint

Response varies by State



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## Maia

- 9 yo female who is wheelchair bound , history of birth injury resulting in hypotonic quadraparesis
  - Normal intelligence
  - Non – verbal
  - Unable to self feed
  - ESL- Portuguese
  - Communicates with Ipad



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## IDEA 2004



- Individuals with Disabilities Education Improvement Act: a Federal Law that requires schools to serve the educational needs of eligible students with disabilities
- Ensures that they have Free and Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE)
- Schools must evaluate students suspected of having disabilities , including learning disabilities
- Schools are required to provide medically needed intervention, but only if it is necessary for education

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## Covered Disabilities under IDEA

- Autism
- Deafness and Hearing impairment
- Blindness
- Emotional disturbance
- Intellectual disabilities
- Multiple disabilities
- Orthopedic impairment
- Specific learning disability, ADHD
- Speech or language impairment
- Traumatic brain injury



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## Steps to Access Service Under IDEA

- Parent request evaluation:
- Creation of an Individualized Education Plan (IEP)
  - team includes Parent, Teachers, Special Ed teacher, Psychologist (to interpret results), District rep over Special Ed Services
  - Set learning goals, describes services school will provide
    - Include present level of performance, annual educational goals, accommodations, modifications, standardized testing situations, inclusion in Gen Ed classes

- Parent must consent
- Reviewed/ revised yearly- student re evaluated every 3 years
- Dispute resolution process
- Free to students, states receive additional funds for eligible students.



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## 504 Plans

SCHOOL TO DO LIST



- Section 504 of the Rehabilitation Act of 1973- federal civil rights law to stop discrimination against people with disabilities
- Provides services and changes to learning environment to meet needs of the child as adequately as other students
- 2 requirements:
  - child has any disability (includes learning or attention issues)
  - Disability must interfere with the child's ability to learn in gen ed classroom
- Parents cannot ask for IEE
- Parents, general and special ed teachers and principle write it
- Includes specific accommodations, names of who is providing services, and who is responsible for ensuring it gets implemented.

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## 504 Plans



- Parent must consent for evaluation and consent to contents of plan
- Reviewed yearly, re evaluation every 3 years as needed
  - - varies by State
- Disagreement resolution options
- At no charge to students:
- States do not receive extra funds for eligible students, IDEA funds cannot be used.

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## Transitioning to Adulthood

- All IEPs must contain Transitioning goals at age 14
- Based on Child's needs, taking into account strengths, preferences and interests
  - Post high school education
  - Vocational education and training
  - Employment
  - Independent or Community Living
  - Self Advocacy skills



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## Guardianship

- Legal relationship when person assigned to take care of minors or incompetent adults
  - Plenary guardian: definition
  - Emergency guardianship proxy
  - Temporary guardianships
  - Limited , Provisional
  - Stand By guardian
- State rules vary
- Often required to make accountings to the court intermittently



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## Incapacity Definition

- Defined by State statutes
- Mental or Physical disability
- Long term conditions that impose limitations on ability to
  - Take care of themselves
  - Express themselves verbally
  - Earn a living
  - Live independently
  - Requires a combination of treatments and services

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## Guardianship of Incapacitated Adults

- Facilitate independence and self reliance
- Based on desires of the ward
- Granted only those powers necessary to accomplish what the ward is unable to accomplish independently
- Allow wards to
  - control their lives as much as possible
  - Provide as much self care as is physically and mentally possible

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## Support for Transitioning Young Adults

- Allow decision making “practice” for patient
- Right support at the right time
  - Joint or Trust fund accounts
  - Financial powers of attorney
  - Healthcare durable powers of attorney
  - Conservatorships or “waivers of confidentiality”



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## Guiding Questions to Ask in Considering Decision Making Support

1. What kind of decision is being made?
2. Has the person made this kind of decision before?
3. Has the person been assisted in understanding the risks and benefits?
4. How big is the impact of this decision in the persons life?
5. How long will the person have to live with the decision?
6. How hard would it be to undo?
7. What is the least restrictive level of support that might work?

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## Protect Every Young Adult Patients Right to Privacy and Consent

- [www.gottransition.org/resources/](http://www.gottransition.org/resources/)



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## Thoughts From My Social Workers

- Be sure to assist families in referrals to agencies and community services
  - Vary by State: [www.211.org](http://www.211.org) or call 211
- Be aware of process for Social Security/Disability application and approval
  - [www.ssa.gov](http://www.ssa.gov)



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## Medicare and Medicaid Rules for Durable Medical Goods

- Definition of Durable Medical Goods: equipment that is needed for a patient at home, is durable (expected life time of at least 3 years), which is used for a medical reason, and is prescribed for the patient by their doctor
  - Oxygen equipment and accessories, CPAP, nebulizers
  - Blood sugar monitors
  - Canes, crutches, walkers, wheelchairs, lifts
  - Hospital beds, traction equipment, commode chairs
  - Infusion pumps and supplies, enteral feeding pumps
  - Negative pressure wound vacs, continuous passive motion machines

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## What They Don't Cover

- Equipment not suitable for home use
- Equipment not intended for home use
- Equipment that makes life more comfortable or convenient
- Items that get thrown away after use or do not get used with another piece of DME
- Home modifications
- Equipment upgrades

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## DME Through CMS

- Buying vs Renting
  - Depends on the type of equipment
- Who is eligible?
  - Patients with Medicare Part B
- Patient Costs
  - Depends on the Supplier and location
- Competitive bidding
  - Depends on the type of equipment



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## Replacing DME

- All equipment expected to last 5 years
- Lost, stolen, damaged beyond repair or natural disaster- replaced
- Will only replace things that were new at acquisition
- Has to be exact replacement

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## Prescribing DME

- Requirements:
  1. Doctors visit within 6mo
  2. get the prescription written-
    - Specifies it will be used at home
    - Medical need- document patient's limitations
  3. Find the right supplier
    - [www.medicare.gov/supplierdirectory/search.html](http://www.medicare.gov/supplierdirectory/search.html)



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## Gross Motor Function Classification System Extended and Revised

- Provides description of children's current motor function
- Communicates with insurance, other providers
- For use for children 2-18 years of age,
- self or family report questionnaires
- [canchild.ca](http://canchild.ca)

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## GMCS Level IV



- Children use methods of mobility that require physical assistance or powered mobility in most settings. They may walk for short distances at home with physical assistance or use powered mobility or a body support walker when positioned. At school, outdoors and in the community children are transported in a manual wheelchair or use powered mobility.

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## Patient Scenario

- 17 YO female with a history of Septo Optic Dysplasia, Pan Hypo Pituitarism, Autism Spectrum Disorder, mitochondrial disorder
  - Medically fragile, osteopenia , requiring tube feedings, medication
  - IQ is normal to high
  - Blind
  - Conversant
  - Wheelchair bound

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## AES Question 1

On what grounds should her mother request guardianship?

- A. Blindness
- B. Osteopenia
- C. Pan hypo pituitarism
- D. Severe ASD

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## Case 2: The Twins

- 14 yo twin females with Soto's syndrome
  - Wheelchair bound
  - Scoliosis
  - Asthma
  - Impaired Communication
  - Cognitive impairment

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## AES Question 2

What accommodations should your office supply?  
(Choose all that apply)

- A. Wheelchair scale
- B. Room to accommodate wheelchairs
- C. Assistance in moving patients to the exam bed
- D . Beds that lower
- E . Transition Planning

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## Practice Recommendations

1. Review your office's ADA compliance utilizing checklists from ADA.gov
2. If patients do not meet requirements for IDEA, consider utilizing a 504 plan
3. Start thinking about transitioning patients with special healthcare needs early- 14 yo is a good place to start
4. Every state has different rules/regulations about purchasing / renting/ replacing DME under CMS- CMS website for specifics

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## Questions

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## Billing & Coding

When services performed in conjunction with:

Office Visit 992xx \*

\*Time-based selection documentation criteria:

- Face-to-face time
- greater than 50% spent counseling/ordinating care

99450 Basic life and/or disability examination

99455 Work related or medical disability examination by the treating physician

99456 Work related or medical disability examination by other than the treating physician

99080 Special reports such as insurance forms, more than the information conveyed in the usual medical communications

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## Contact Information

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