

## Disability Discrimination: Hospitals Not Required To Allow Family Members To Use O<sub>2</sub> Ports.

A patient was admitted to the hospital pending placement in a hospice.

The patient's wife suffered from chronic obstructive pulmonary disease which required constant use of a portable oxygen tank. To make it easier for her to stay with her husband twelve to fourteen hours a day, her physician wrote a prescription for her to use the wall O<sub>2</sub> port in her husband's room.

However, the hospital denied her permission to use the O<sub>2</sub> port for her own needs as it was contrary to hospital policy for a non-patient to use it.

She sued the hospital for disability discrimination under the Americans With Disabilities Act (ADA). The US District Court for the Northern District of Ohio dismissed her lawsuit.

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***The Americans With Disabilities Act (ADA) requires hospitals, as places of public accommodation, to make their facilities accessible to family members as well as patients.***

***The ADA does not require hospitals to provide auxiliary aids such as oxygen, wheelchairs, walkers, special meals, medications, etc., to non-patients visiting patients in the hospital.***

UNITED STATES DISTRICT COURT  
OHIO  
August 25, 2005

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A hospital, as a place of public accommodation, must provide generalized reasonable accommodations like wheelchair ramps and handicapped parking spaces for disabled family members who will be visiting.

A hospital must provide more person-specific auxiliary aids like information and consent forms in Braille, sign language interpreters, etc., for disabled patients receiving care.

However, a hospital is not required to provide person-specific auxiliary aids like walkers, wheelchairs, special cafeteria meals, etc., for disabled family members. The hospital was required and did allow her to bring in her own O<sub>2</sub> tank but did not have to allow her to use the in-room oxygen. Dryer v. Flower Hosp., \_\_ F. Supp. 2d \_\_, 2005 WL 2037364 (N.D. Ohio, August 25, 2005).