

A FLEXIBLE APPROACH TO ADA MEDICAL DOCUMENTATION

ADA AND BEYOND COMPLIANCE CONSIDERATIONS

When an employer requests medical documentation pursuant to the Americans with Disabilities Act (ADA), there is more to consider than just checking boxes off a list. Offering flexibility in the process by accepting alternative forms of medical information and documentation and focusing on functional limitations to support accommodation requests can help bridge the gap between what is technically allowable under the ADA and meeting the needs of employees with disabilities. Employers that approach accommodation requests with flexibility, understanding, and respect create a supportive workplace where everyone can thrive. Moreover, up-to-date routine training for human resource professionals and people leaders can equip these key personnel with the skills and knowledge to navigate the accommodation process efficiently and effectively.

The following information includes common accommodation scenarios when employers request medical documentation along with information about what the ADA requires and creative solutions for employers to consider. Each scenario also includes a list of relevant resources to help navigate the accommodation process when these circumstances arise.



SCENARIO #1

Delays obtaining medical documentation — because the employee is not responsive, the employee lacks access to health care or health insurance, the employee cannot access a specialist in a timely manner, or the healthcare professional is non-responsive to documentation requests or refuses to provide documentation — are prolonging the accommodation process and/or preventing a qualified employee from receiving accommodation.

ADA REQUIREMENTS

When an employee's disability and need for accommodation are not obvious or already documented, employers may request reasonable documentation about the employee's disability and functional limitations. The employer is entitled to know that the individual has a covered disability for which they need a reasonable accommodation before providing an accommodation.

BEYOND COMPLIANCE CONSIDERATIONS

- Accept alternative forms of medical documentation and information (e.g., brief note from primary care provider, or information from a past medical appointment) or have an absence management professional contact the healthcare provider directly with the employee's authorization.
- Accept information from an alternative healthcare, rehabilitation, or other qualified professional who is knowledgeable about the individual's health condition and need for accommodation even if not a specialist (e.g., primary care physician, physician assistant, nurse practitioner, licensed social worker or professional counselor, rehabilitation counselor, etc.).
- Allow medical documentation extension(s) when feasible.
- Rely on information from the employee and provide temporary accommodations while waiting for medical documentation.
- Partner with the employee to come up with solutions.

RESOURCES

- [Practical Guidance for Medical Professionals: Providing Sufficient Medical Documentation in Support of a Patient's Accommodation Request](#)
- [Who Can Provide Medical Documentation for ADA Purposes?](#)
- [What Does "Sufficient" Mean? A Deconstructive Series for ADA Terminology](#)
- [Avoiding "The Waiting Place" After Requesting Medical Information](#)
- [Providing Temporary Accommodation Solutions](#)

SCENARIO #2

A company is trying to reduce telework and get employees back to the workplace. To do so, it is implementing routine updates of medical documentation to recertify the ongoing need for previously approved telework accommodations.

ADA REQUIREMENTS

Employers are free to revisit, change, or remove accommodations when, for instance, the accommodation no longer meets the disability-related needs of the employee or begins to pose an undue hardship for the employer, but should only ask for updated medical documentation if the available information is not sufficient to substantiate that the employee has a disability and needs the reasonable accommodation requested.

BEYOND COMPLIANCE CONSIDERATIONS

- Don't remove existing accommodations without adequate warning to the employee, even if you have a valid reason to remove the accommodation.
- Consider offering workplace flexibility to all employees.
- Check in periodically with the employee to ask whether the accommodation is meeting their needs.

RESOURCES

- [Recertifying the Ongoing Need for Accommodation](#)
- [Monitoring Reasonable Accommodations](#)
- [Changing or Removing a Reasonable Accommodation in the Workplace](#)
- [Workplace Flexibility, the ADA, and Requesting Medical Information](#)
- [Telework Accommodation Request Flowchart](#)
- [Medical Documentation: Think about What is Needed and Stop There!](#)
- [To Ask, or Not to Ask? – Knowing When to Request Medical Information](#)