

<p style="text-align: center;"><b>Nutrition Services</b> <b>Department of State Health Services</b></p>
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Effective June 1, 2002

Policy No. CR:06.0

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**Provision of Services to Individuals with Disabilities**

**Purpose**

To ensure that persons/applicants/participants with disabilities are not excluded from participating in the WIC Program and to optimize the provision of program information and nutrition education to individuals with disabilities.

**Authority**

7 CFR Part 15; Section 504 of the Rehabilitation Act of 1973; Americans With Disabilities Act of 1990 (ADA)

**Policy**

Each local agency (LA) shall make provisions to screen applicants with disabilities and provide all WIC services to all participants with disabilities. Program or nutrition education (NE) information is to be provided to persons with disabilities in the format they request in as timely a manner as possible, to include providing qualified interpreters for persons who are hearing impaired.

**Definitions**

Person with disabilities: any person who has a physical or mental impairment that substantially limits one or more life activities, has a record of such an impairment, or is regarded as having such an impairment.

**Procedures**

- I. Each LA shall conduct a self evaluation of program accessibility for each clinic utilizing the state agency's (SA) 504 Checklist. This checklist shall be maintained on file for three years. Once evaluated, there is no requirement for a reevaluation. New clinic sites, including

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those that relocated within the same building, shall have to be evaluated as they are opened. Each LA employing 15 or more WIC employees shall have at all times an employee designated as the 504 coordinator.

- II. If any clinic sites are not accessible to persons/applicants/participants with disabilities, a written local policy shall be developed that describes how services shall be provided to the disabled. These alternative service provisions may include but are not limited to: service at other clinic sites, in other accessible locations within the same clinic or by home visits. In choosing among available methods, the LA shall give priority to those methods that offer programs and activities to qualified disabled persons in the most integrated setting appropriate to obtain the full benefits of the programs.
- III. Some examples of physical or mental impairment are such conditions as: orthopedic, visual, speech and hearing impairments; cerebral palsy; epilepsy; muscular dystrophy; multiple sclerosis; cancer; heart disease; diabetes; mental retardation; emotional illness; drug addition and alcoholism. As such, the local policy shall be flexible enough to cover all types of disabilities and to allow reasonable accommodations. Examples of reasonable accommodations include: provision of interpreters for the deaf, readers or braille for individuals who are visually impaired, and other special learning equipment. These are all allowable costs and any questions shall be directed to the SA.
- IV. The intent of the Americans with Disabilities Act and Section 504 is for people with disabilities to receive information in the form they prefer. The LA shall provide nutrition education or other program information in the format preferred by the person making the request.
  - A. Examples of formats preferred by persons with disabilities include large print, audio tapes, captioned videos, Braille text, etc. This information shall be provided quickly, particularly because of the crucial need within a short timeframe for

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providing nutrition education to the pregnant person. There are some exceptions:

1. Same Information in Alternate Form: For example, a person who is hearing impaired may request that a nutrition education lesson on videotape be electronically captioned. If the same information content is available in another form, such as in a pamphlet, it may fulfill the request if the disabled person freely agrees to accept it.
  2. Undue Hardship: If it may be demonstrated that providing information in a particular format would impose an undue hardship, it need not be provided in that form. Undue hardship is defined as an action requiring significant difficulty or expense when considered in light of factors such as an employer's size, financial resources, and the nature and structure of its operation. Therefore, the Texas Department of Health (TDH), as a governmental entity of the State of Texas, is obliged in almost all circumstances to honor requests for accessible materials. Inconvenience or moderate difficulty or expense is not sufficient reason for failing to provide nutrition education or other information in the form desired by the disabled person requesting it.
- B. Contact the SA's Nutrition Education and Clinic Services Unit for approval to deny a request based on undue hardship.
- V. If alternative materials are requested by a disabled applicant or participant:
- A. It is preferable that such requests be fulfilled at the LA level. If this cannot be accomplished at the local level, or would unduly delay fulfillment of the request, the LA shall contact the SA for assistance.
  - B. The LA shall contact the SA for assistance within one business day of a request for a specialized accommodation of the requirements for a participant with disabilities. If the LA identifies the same need or request from several participants,

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the SA shall be notified that more than one client has such a need in order to facilitate production of specialized materials.

- VI. All LA staff shall be familiar with the use of "Relay Texas," a statewide telecommunications relay center operated out of Austin for the hearing-impaired. See Guidelines for more information.
  
- VII. Qualified interpreters for persons with hearing impairments shall be provided by the LA when requested by a person who is hearing impaired. Do not require the client to provide his/her own interpreter; however, a client may voluntarily choose to bring a friend or family member to interpret if the client prefers to do so.
  - A. TDH has an interagency contract with the Texas Commission for the Deaf for interpreter services for hearing impaired individuals. SA will pay for interpreter services for hearing impaired individuals who are receiving TDH services.
  - B. LAs shall need to call the local Council for the Deaf approximately 72 hours prior to the time when needed for preapproval of the service and to arrange the meeting time and location. The Council shall take care of the billing. LA staff shall be asked to sign a reporting sheet which shall verify the time used, the location, and the name of the program requesting the service.
  - C. Level III, IV, and V interpreters have the training to understand complex terminology and can reverse interpret properly, which is of major importance in interpreting for clinical/medical situations.
  - D. All interpreters shall comply with the regulations on confidentiality.
  
- VIII. An individual with disabilities has the right to choose to participate by use of the regular WIC methods for delivery of nutrition education and program information even when special materials are available.

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**Guidelines**

- I. While both the SA and LA shall anticipate that such requests will arise, they shall respond to requests only as they arise. There is no need to produce nutrition education materials or other information in all possible formats in advance simply because the possibility exists that there may be requests in the future.
  
- II. Requests shall be handled in the simplest and most economical manner acceptable to the person making the request. For example, photocopying an existing brochure at a magnified scale to produce a large print document is a reasonable response. Recording the contents of a written lesson onto an audio cassette is also proper, if acceptable. Hiring an interpreter to sign the soundtrack of a video lesson to a hearing-impaired person is another example.
  
- III. Use of Relay Texas: This relay service uses a third-party operator who transmits messages back and forth between an individual who uses a TDD (a telecommunications device for the deaf) and another person who uses a regular telephone. A TDD uses typewriter-like equipment to produce and transmit typed text that may be received on another TDD machine.
  - A. To access Relay Texas call: 1-800-735-2989 (TDD)  
1-800-735-2988 (voice)
  - B. There are no fees for using the relay service within your local calling area. Long distance calls made within Texas shall be billed at approximately a 50% reduction to allow for the additional time required to place a call through the relay process.
  - C. Calls are private, no record is kept of the contents of the conversation, and no information is shared with other people with the exception of any call involving suspected child abuse, elderly abuse, or disabled abuse which the Relay operator shall, by State law, report to the Department of Protective and Regulatory Services.