

# Section 504 of the Rehabilitation Act

Office for Civil Rights (OCR)  
U.S. Department of Health and Human Services



# What is Section 504 of the Rehabilitation Act?

- Section 504 of the Rehabilitation Act prohibits discrimination on the basis of disability in any program or activity that receives Federal financial assistance.
- The final rule helps ensure people with disabilities served by federally funded health and human services programs receive equitable care and treatment.
- Had not been meaningfully updated since the 1970s.
- On **May 1, 2024**, the HHS Office for Civil Rights (OCR) issued a final rule to strengthen civil rights protections for people with disabilities under Section 504.

# Notice of Proposed Rulemaking

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- On September 14, 2023, HHS OCR issued a Notice of Proposed Rulemaking to update and amend its Section 504 regulation.
- The comment period closed on November 13, 2023.
- HHS received over 5200 comments. Commenters included regulated entities, government officials, health care professionals, people with disabilities and allies, and organizations representing various interest groups.

# What Does the Final Rule Change?

- The final rule updates and modernizes the Section 504 rule prohibiting discrimination on the basis of disability.
- The rule advances equitable health outcomes for people with disabilities by ensuring consistency with current law and addressing newer forms of disability related discrimination.
- The rule clarifies and strengthens civil rights protections for people with disabilities in areas like medical treatment, accessible web content, accessible medical diagnostic equipment, and child welfare programs and activities.

# Key Provisions of the 504 Final Rule

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- Medical Treatment
- Value Assessment Methods
- Child Welfare Programs and Activities
- Web and Mobile App Accessibility
- Accessible Medical Equipment
- Integration
- Judicial and Legislative Consistency

# Medical Treatment Provisions

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- Discrimination on the basis of disability in accessing medical care leads to significant health disparities and poorer health outcomes for individuals with disabilities.
- The final rule ensures medical treatment decisions are not based on biases or stereotypes about individuals with disabilities, judgments that they will be a burden to others, or beliefs that their life has less value than the life of a person without a disability.

# Value Assessment Methods Provisions

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- Value assessment methods can influence access to resources, including medications, and may lead to discrimination against people with disabilities when they place a lower value on life extension for people with disabilities.
- The final rule prohibits the discriminatory use of value assessment methods and analytics.

# Child Welfare Programs and Activities Provisions

- Children, parents, caregivers, foster parents, and prospective parents with disabilities may encounter discrimination in the child welfare systems designed to protect children and strengthen families.
- The final rule clarifies that Section 504 applies to child welfare programs and prohibits discrimination on the basis of disability in any federally funded child welfare program or activity.
  - This includes decisions based on speculation, stereotypes, or generalizations about a child with a disability or to determine that someone with a disability cannot safely care for a child.



# Web and Mobile Accessibility Provisions

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- Technology often strengthens health and human services programs and activities, but inaccessible web content and mobile apps can create barriers for people with disabilities.
- The final rule implements a standard to ensure non-discrimination in the use of technologies routinely used in health care, including web content, mobile apps, and kiosks, so that these technologies are accessible to and usable by people with disabilities.

# Accessible Medical Equipment Provisions

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- People with disabilities experience barriers to medical care because of inaccessible medical equipment. These barriers result in inequities and exclusion from basic health services, contributing to poor health outcomes.
- The final rule adopts the U.S. Access Board's standards for accessible medical equipment. It also requires that, within two years of the effective date, recipients that use that equipment must acquire at least one accessible examination table and/or weight scale.

# Integration Provisions

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- The final rule reflects principles established through the Supreme Court's *Olmstead* decision and other significant court decisions and clarifies that services must be provided in the most integrated setting appropriate to the needs of individuals with disabilities.
- The final rule will help recipients better understand and comply with their obligations under Section 504 and provide more detail about the right to be served in the most integrated setting appropriate for individuals with disabilities.

# Judicial and Legislative Consistency

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- Section 504 has received minimal updates since being implemented in 1977. The final rule improves consistency between Section 504 and major judicial and legislative developments, including the Americans with Disabilities Act (ADA).
- New sections related to service animals, mobility devices, and effective communication, among others, reflect amendments to Section 504, enactment of the ADA, and significant case law and codify civil rights protections for people with disabilities.

# How will the Final Rule be Implemented?

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- The final rule will go into effect on **July 8, 2024**, except where another timeline is given (as for the accessible web content and mobile app and medical diagnostic equipment provisions).
- Technical assistance support can be provided by the HHS Office of Civil Rights.

# Resources

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- For more information on the Section 504 Final Rule visit:  
<https://www.hhs.gov/civil-rights/for-individuals/disability/section-504-rehabilitation-act-of-1973/index.html>
  - The Final Rule
  - Factsheet
  - Press Release
  - YouTube video
  - Stakeholder Webinar
- Complaint Portal: <https://www.hhs.gov/ocr/complaint>



# Q & A

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