

HHS and DOJ Issue Guidance on “Long COVID” and Disability Rights Under the ADA, Section 504, and Section 1557

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The guidance provides clarity on how disability nondiscrimination laws apply to certain people affected by COVID-19.

Today, as we commemorate the 31st anniversary of the Americans with Disabilities Act (ADA), the U.S. Department of Health and Human Services (HHS) and the U.S. Department of Justice (DOJ) are jointly publishing guidance on how "long COVID" can be a disability under the ADA, Section 504 of the Rehabilitation Act, and Section 1557 of the Affordable Care Act. The guidance is on the HHS website at <https://www.hhs.gov/civil-rights/for-providers/civil-rights-covid19/index.html> and on the DOJ website at https://www.ada.gov/long_covid_joint_guidance.pdf - PDF.

Some people continue to experience symptoms that can last weeks or months after first developing COVID-19. This can happen to anyone who has had COVID-19, even if the initial illness was mild. People with this condition are sometimes called "long-haulers"— and the condition they have is known as "long COVID."

With the rise of long COVID as a persistent and significant health issue, the HHS Office for Civil Rights (OCR) and the DOJ Civil Rights Division have joined together to provide this new guidance. This guidance explains that long COVID can be a disability under the ADA, Section 504 of the Rehabilitation Act of 1973, and Section 1557 of the Affordable Care Act, and explains how these laws may apply. Each of these federal laws protects people with disabilities from discrimination. This guidance also provides resources for additional information and best practices.

"Some individuals recover quickly from COVID, but others experience debilitating long-term impairments that substantially limit major life activities," said Robinsue Frohboese, Acting Director of OCR. "Today's guidance makes clear that these individuals are entitled to equal opportunities and full participation in all aspects of life. We honor the 31st anniversary of the ADA, a law that established 'a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities,' and deepen our commitment to enforcing federal civil rights laws. OCR is committed to advancing the principles of non-discrimination and equity and will continue to provide guidance so that consumers understand their rights and providers fulfill their obligations."

"The ADA is one of our most transformative civil rights laws, helping to ensure that our schools, courthouses, townhalls, businesses and workplaces are open to all people, regardless of their disability status," said Assistant Attorney General Kristen Clarke of the Justice Department's Civil Rights Division. "This anniversary, we recognize the ongoing challenges to full equality, including COVID-19's devastating and disproportionate impact on people with disabilities. As many of our neighbors find themselves with long-lasting effects from COVID-19, we are committed to making sure that people understand their rights under federal nondiscrimination laws. The Department of Justice will vigorously enforce the ADA and other federal civil rights laws to ensure that as the Nation responds to, and recovers from, COVID-19, and that those with disabilities are full and equal partners in that recovery."

This guidance, along with a directory of resources available through programs funded by the Administration for Community Living (ACL), was shared this morning by the White House as part of a comprehensive package of resources for people with long COVID, which you can find here: <https://www.whitehouse.gov/briefing-room/statements-releases/2021/07/26/fact-sheet-biden-harris-administration-marks-anniversary-of-americans-with-disabilities-act-and-announces-resources-to-support-individuals-with-long-covid/>.

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"It's critical that we ensure people who have disabilities as a result of long COVID are aware of their rights under federal nondiscrimination laws," said Alison Barkoff, Acting Administrator and Assistant Secretary for Aging at the Administration for Community Living at HHS. "It also is crucial that they know how to connect to services and supports available if they now need assistance to live in their own homes, go to school or work, or participate in their communities."

The ACL directory of resources for those with long COVID may be found at: https://acl.gov/sites/default/files/COVID19/ACL_LongCOVID.pdf - PDF.

This guidance is one of many actions HHS has taken in recent months to address long COVID. In February [HHS launched](#) a new initiative to study long COVID. Led by NIH, the goal of the initiative is to learn more about how COVID-19 may lead to widespread and lasting symptoms, and to develop ways to treat or prevent these symptoms. In addition to the initiative, HHS, through the COVID-19 Health Equity Task Force and OCR, held listening sessions on long COVID with health advocates, and NIH held a workshop with experts to identify key gaps in knowledge about the condition.

Additional Resources

OCR has a webpage devoted to COVID-19 and civil rights issues: <https://www.hhs.gov/civil-rights/for-providers/civil-rights-covid19/index.html>

DOJ's Civil Rights Division has a page on its ADA.gov website that discusses topics related to COVID-19 and the ADA: https://www.ada.gov/emerg_prep.html

The Centers for Disease Control and Prevention's (CDC) website has a page on post-COVID conditions, which discusses long COVID: <https://www.cdc.gov/coronavirus/2019-ncov/long-term-effects.html>

Other ACL resources and information about COVID-19 for people with disabilities can be found at: <https://acl.gov/COVID-19>

ACL and OCR partnered to create a website that tells the story of how the ADA came to be, showcase some of the progress we have made as a country toward achieving its promise, and illustrate a little bit of the work being done by ACL and OCR, as well as other partners within HHS and across government. That website can be found at: <https://acl.gov/ada>

If you believe that you or another person has been discriminated against by an entity covered by Federal civil rights laws, you may file a complaint with OCR. Information about how to file a complaint is available at: <https://www.hhs.gov/ocr/complaints>

If you believe that you or another person has been discriminated against by an entity covered by the ADA, you may file a complaint with the Disability Rights Section (DRS) in the Department of Justice. Information about how to file a complaint is available at: https://www.ada.gov/fact_on_complaint.htm.