

PUBLIC ACCOMMODATION POLICY

Policy No. Corp - 006.24

This policy is applicable to the following employees: all

Effective Date: August 21, 2024

1. Purpose.

Advanced Dermatology, PC (“AD”), is committed to compliance with federal, state, and local laws regarding disability discrimination and accommodation, including the Americans with Disabilities Act. The purpose of ADA is to ensure that people with disabilities can fully participate in all aspects of life, including the services we provide. Title III of the ADA requires private entities, including AD, to comply with and use the following, unless it presents an undue burden:

- Basic nondiscrimination requirements that prohibit exclusion, segregation, and unequal treatment;
- Specific requirements related to architectural standards for new and altered buildings;
- Reasonable modifications to policies, practices, and procedures;
- Effective communication with people with hearing, vision, or speech disabilities; and
- Other access requirements, including the removal of barriers in existing buildings where it is easy to do so without much difficulty or expense, given available resources.

2. Non-Discrimination Policy.

AD and its employees will provide people with disabilities an equal opportunity to access the goods or services that it provides. This includes, but is not limited to:

- Communicating with people with disabilities as effectively as you communicate with others.
- Making reasonable modifications to policies, practices, and procedures where needed.
- Making sure that a person with a disability can access our goods or services.
- Allowing service animals to be with their person even if you have a no pets policy.
- Following specific standards for physical accessibility when building or altering a building or facility.
- Following specific requirements for ticket sales and testing accommodations.
- Removing architectural barriers in buildings when it is *readily achievable to do so*.

2.1. Disability.

The ADA provides a broad legal definition of a person with a disability as someone who:

- Has a physical or mental impairment that substantially limits one or more major life activities, OR
- Has a history or *record* of an impairment (such as cancer that is in remission), or
- Is *regarded* as having such an impairment by others even if the individual does not actually have a disability (such as a person who has scars from a severe burn that does not limit any major life activity).

There is no list of covered disabilities and conditions, and it is not always easy to determine if someone has a disability. The intent behind the ADA was to establish broad protection from discrimination against individuals who may have any medical condition or disability that substantially limits a major life activity. Disability should be broadly defined in favor of coverage. This includes conditions such as HIV-positive status, diabetes, asthma, and other conditions that may not always make some people think “disability.”

It is never appropriate to demand proof of a disability. Our default position is to treat everyone the same, regardless of a physical or mental impairment. If someone asks for a modification, the focus should be on the requested modification, how it will help the person making the request, and whether it presents an undue burden. AD is committed to strict compliance with all non-discrimination laws and regulations and to provide quality services to our communities.

2.2 Reasonable Modifications and Public Accommodations.

AD will make “reasonable modifications” in our policies, practices, and procedures to accommodate a person with a disability, unless doing so is cost prohibitive or would fundamentally alter the nature of our goods and services. The specific modification will depend on the circumstances, and there should be discussion with the person to determine what modifications would allow them to fully participate in the services we provide.

Public accommodations shall not provide an individual or class of individuals, on the basis of a disability or disabilities of such individuals, directly or indirectly, with a good, service, facility, privilege, advantage, or accommodation that is different or separate from that provided to other individuals, unless it is necessary to provide the individual or class of individuals with a good, service, facility, privilege, advantage, or accommodation, or other opportunity that is as effective as that provided to others. Additionally, a public accommodation shall afford goods, services, facilities, privileges, advantages, and accommodations to an individual with a disability in the most integrated setting appropriate to the needs of the individual.

2.3 Accommodation Process.

AD will actively engage in an interactive process with people with disabilities who request accommodations to determine what, if any, accommodation is appropriate. AD aims to process requests for accommodations in a prompt and efficient manner and will keep the person making the request informed.

Step 1 is the request. People with disabilities can request modifications by completing and submitting a Disability Accommodation Request Form (“DARF”) to AD, including contact information. See Attachment 1. If it is a verbal request, then an employee of AD will complete the DARF. The DARF should include information about the desired modification. AD will not ask about the nature or extent of one’s disability.

Step 2 is the initial determination. Once AD receives a request for accommodation, it will make an initial determination about the feasibility of the requested modification, including whether it presents an undue burden in any way.

Step 3 is a discussion with the individual requesting accommodation. If AD denies the requested accommodation, it will notify the person making the request of the denial and the reason. The parties will attempt to determine if there are other options to provide the goods or services in an acceptable way. If the parties can agree, they will proceed accordingly.

Step 4 is a right to appeal. Individuals with disabilities who are denied accommodations can appeal the decision and ask for another review of the request.

Individuals with questions about the accommodation process should contact Human Resources.

2.4 Service Animals

If the requested accommodation involves using a service animal, AD may only ask (1) if the animal is required because of a disability, and (2) what work or task the animal has been trained to perform. AD will not require proof that an animal is certified, trained, or licensed as a service animal, nor shall it ask about a service animal if it is obvious that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person’s wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).

AD may ask an individual with a disability to remove a service animal from the premises if: (i) The animal is out of control and the animal’s handler does not take effective action to control it; or (ii) The animal is not housebroken. If AD properly excludes the service animal, it will allow the person with a disability the chance to obtain goods, services, and accommodations without having the service animal on the premises.

AD may require a service animal to be under the control of its handler. A service animal shall have a harness, leash, or other tether, unless either (a) the handler is unable because of a disability to use a harness, leash, or other tether, or (b) the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).

AD is not responsible for the care or supervision of a service animal.

2.5. Undue burden.

Undue burden means significant difficulty or expense. In determining whether an action would result in an undue burden, factors to consider include:

- (1) the nature and cost of the action needed;
- (2) the overall financial resources of the site(s) involved; the number of employees there; the effect on expenses and resources; legitimate safety requirements that are necessary for safe operation, including crime prevention measures; or the impact otherwise of the action upon the operation of the site;
- (3) the geographic separateness, and the administrative or fiscal relationship of the site or sites in question to any parent corporation or entity (if applicable);
- (4) if applicable, the overall financial resources of the corporation or entity; the overall size of a parent corporation or entity regarding the number of its employees; the number, type, and location of its facilities; and
- (5) if applicable, the type of operation or operations of a parent corporation or entity, including the composition, structure, and functions of the workforce of the parent corporation or entity.

3. Anti-Retaliation and Coercion.

Retaliation for requesting or being granted accommodation is illegal and prohibited. AD will not discriminate against anyone for exercising their legal rights nor shall it coerce, intimidate, threaten, or interfere with anyone in the exercise or enjoyment of such rights or helping or encouraging another to do so. Employees who discriminate or retaliate against persons with disabilities who are requesting a public accommodation shall be subject to disciplinary action, up to and including termination.

Examples of prohibited retaliation and coercion include, but are not limited to:

- (1) Coercing someone to deny or limit the benefits, services, or advantages to which they are legally entitled;
- (2) Threatening, intimidating, or interfering with someone with a disability who is seeking to obtain or use AD's goods, services, or facilities;
- (3) Intimidating or threatening anyone assisting or encouraging another entitled to claim the rights granted or protected by the ADA or the related regulations; or
- (4) Retaliating against someone because that person participated in any investigation or action to enforce the ADA or related regulations.

4. Title III Training.

AD will provide annual training to staff regarding Title III obligations, including non-discrimination, non-retaliation, and non-coercion. AD will keep records of training, including a copy of the material, the presenter, and who has received it.

5. Filing a Complaint; Reporting Complaints.

If a person believes that they are subject to retaliation or coercion based on a disability accommodation(s) or a disability accommodation request, they should inform AD's Human Resources Department or call the Compliance Hotline. They can also file a complaint with the Department of Justice, Civil Rights Division, Disability Rights Section either online at www.ADA.gov or by mailing it to 950 Pennsylvania Avenue, NW, Washington, D.C. 20530-0001. AD will keep records of any complaints alleging Title III discrimination, retaliation, or coercion and provide copies upon request.

6. **Applicable Laws.** Americans with Disabilities Act and implementing regulations, along with relevant state laws that require public accommodations for individuals with disabilities, absent undue burden.
 7. **Relevant Policies.** Not applicable.
 8. **Policy Owners.** Operations; Compliance.
 9. **Approvers.** Compliance, Operations.
 10. **Revision Date.** August 11, 2024.
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