

WVDHHR Disability Access Plan
June 12, 2023

Access For Members Of The Public With Disabilities

The West Virginia Department of Health and Human Resources (“DHHR”) promotes the full and fair participation of members of the public with disabilities in all of its programs, services, and activities. The DHHR is committed to both equal access and full participation of people with disabilities in its programs, services, and activities.

In accordance with section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), and all other pertinent nondiscrimination laws and regulations, the DHHR does not discriminate against qualified individuals with disabilities on the basis of disability.

The DHHR will not, in any of its programs, services, or activities:

1. Deny a qualified person, on the basis of disability, the opportunity to participate in and benefit from programs, services, and activities that are not equal to that afforded to others;
2. Impose eligibility criteria that screen out or tend to screen out individuals on the basis of disability from enjoying any program, service, or activity unless the criteria are necessary for the provision of the program, service, or activity;
3. Make unnecessary inquiries into the existence of a disability;
4. Impose surcharges on people with disabilities for any costs of compliance with Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964, the ADA, and all other pertinent nondiscrimination laws and regulations; or
5. Otherwise limit or separate a qualified person, on the basis of disability, in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by other people.

This policy does not require the DHHR to undertake any action that would fundamentally alter the nature of its programs, services, or activities, that would pose a direct threat to the health or safety of participants in those programs, services, or activities. The DHHR may impose legitimate safety requirements necessary for the safe operation of its services, programs, or activities.

The DHHR is committed to ensuring people with disabilities, including those with speech, hearing, or vision disabilities, receive “effective communication” so they can participate equally in DHHR programs, services, and activities.

Upon request, the DHHR will take appropriate steps to provide auxiliary aids and services when necessary to ensure effective communication for qualified people with disabilities, including applicants and participants, unless doing so would cause an undue burden or fundamental alteration for the DHHR.

Auxiliary aids and services will be provided at no cost to the person with a disability. The type of auxiliary aid or service necessary to ensure effective communication will vary depending on the length and complexity of the communication involved. In choosing among possible auxiliary aids or services, the DHHR will give primary consideration to the choice of the person with a disability unless it can show that another equally effective means of communication is available. Examples of auxiliary aids and services for people who are deaf or hard of hearing include qualified interpreters, notetakers, computer-aided transcription services, written materials, telephone handset amplifiers, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDDs), videotext displays, and exchange of written notes.

Examples for individuals with vision impairments include qualified readers, taped texts, audio recordings, Braille materials, large print materials, and assistance in locating items.

Examples for individuals with speech impairments include TDDs, computer terminals, speech synthesizers, and communication boards.

The DHHR will attempt to provide effective communication in a timely way that protects the privacy and independence of the person with a disability. The agency will not require a person accompanying a person with a disability to interpret or facilitate communication with the person with a disability, except:

1. In emergencies involving imminent threat to safety when no other auxiliary aid or service is available, or
2. When the person with a disability specifically requests that the companion interpret or facilitate communication, the companion is an adult, the companion agrees to facilitate, and reliance on the companion is appropriate under the circumstances.

To request auxiliary aids or services, please contact the DHHR's Nondiscrimination Coordinator at least three days in advance at:

Jason Barnette
EEO/Civil Rights Specialist
West Virginia Department of Health and Human Resources
Office of Human Resources Management
One Davis Square, Suite 400
Charleston, WV 25301
Telephone: 304-352-4331
Email: Jason.W.Barnette@wv.gov

For requests that are not received three days in advance, the DHHR will attempt to provide auxiliary aids or services if possible. Denials of requests for auxiliary aids or services should be in writing and explain the right to pursue the agency's Discrimination Complaint and Compliance Review/Grievance Procedure.

[Please click here to be directed to the Non-Discrimination Grievance Procedures.](#)

The DHHR will reasonably modify its policies, practices, or procedures upon request from a qualified person with a disability when the modification is necessary to participate in an agency program, service, or activity. A reasonable modification is a change or exception to a policy, practice or procedure that allows a person with a disability to have equal access to an agency program, service, or activity. A request for reasonable modification may not always use the terms “reasonable modification” or “ADA.” Any request for a change or exception to a policy, practice or procedure because of a disability should be treated as a request for reasonable modification.

When possible, reasonable modifications should be requested in advance. When requesting a reasonable modification to a DHHR program, service, or activity, a person with a disability is generally not required to provide medical documentation but must be able to explain their disability and how it is related to the requested modification.

The DHHR is not required to grant a modification if doing so would be unreasonable or would fundamentally alter the nature of the agency service, program, or activity. The DHHR is not required to provide personal or individually prescribed devices or to provide services of a personal nature.

A person with a disability needing a reasonable modification should request the modification as early as possible, at least 24 hours before the need for such a modification arises. For requests that are not received 24 hours in advance, the agency will attempt to provide reasonable modifications if possible.

Requests for modifications that have little or no cost and pose little or no administrative burden, such as assistance filling out a form, providing a chair, or reading printed materials aloud, can be granted by the DHHR or office responsible for the program, service, or activity. More complex modifications should be requested to the DHHR’s Nondiscrimination Coordinator at:

Jason Barnette
EEO/Civil Rights Specialist
West Virginia Department of Health and Human Resources
Office of Human Resources Management
One Davis Square, Suite 400
Charleston, WV 25301
Telephone: 304-352-4331
Email: Jason.W.Barnette@wv.gov

Agency divisions and offices may not decline to provide a requested accommodation without consulting the DHHR’s Nondiscrimination Coordinator.

Denials of requests for auxiliary aids or services should be in writing and explain the right to pursue the agency’s Discrimination Complaint and Grievance Procedure.

[Please click here to be directed to the Non-Discrimination Grievance Procedures.](#)

The Nondiscrimination Coordinator will make continuous efforts to notify the public (including through on-line, print, and other appropriate methods of publication) that the agency provides effective communication and other reasonable modifications to qualified individuals with disabilities.