Summary: 2024 Medical Diagnostic Equipment Low Height Specification

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The Architectural and Transportation Barriers Compliance Board (i.e. The Access Board) issued a final specification for the low transfer height of medical device equipment used in the supine, prone, side-lying and seated positions. The Board also removed the previous sunset provisions for the existing accessibility standard of a range of 17-19 inches, which were promulgated in 2017 to allow the Board more time to determine the appropriate low-height specification.

The amendment to 36 CFR Part 1195 – Standards for Medical Diagnostic Equipment is found here: https://www.federalregister.gov/documents/2024/07/25/2024-16266/standards-for-accessible-medical-diagnostic-equipment. The revised final rule was published on 7/25/2024 and goes into effect on 9/23/2024.

According to 36 CFR Part 1195 – Legal Authority, that while the Access Board has been tasked with establishing the standards, per Section 510 of the Rehabilitation Act, the Board's minimum technical specifications do not impose any mandatory requirements on healthcare providers or medical device manufacturers. Agencies such as Health and Human Services and the Department of Justice may issue regulations or adopt policies requiring healthcare providers to acquire accessible medical diagnostic equipment that complies with the technical criteria set forth by the Access Board. Agencies would be permitted to "propose or adopt [such enforceable regulations] only upon a reasoned determination that the benefits of the intended regulation justify its costs." These agencies or entities would have to develop the appropriate scoping provisions to determine how to apply these technical criteria and could strengthen or lessen the requirements.

According to the Access Board, "accessibility standards for medical diagnostic equipment apply to examination tables and chairs, weight scales, radiological and mammography equipment, and other diagnostic equipment that are accessible to people with disabilities. The standards include requirements for equipment that necessitates transfer from mobility aids and address transfer surfaces, support rails, armrests, and other features." Retrieved 7/29/2024 from https://www.access-board.gov/mde/.

This year, Health and Human Services adopted the initial set of specifications that The Access Board created in 2017, demonstrating their commitment to Americans with disabilities. The initial specifications set a low-height range of 17 to 19 inches for medical diagnostic equipment. Section 504 Subpart J – Accessible Medical Equipment of the Rehabilitation Act outlines the new scope that the Health and Human Services has set forth, with the full scope of specifications listed in the 45 CFR Part 84 –Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance.

Section 504 is in effect as of 7/8/2024 and applies to *all* MDE that a recipient purchases, leases, or renews a lease on after 7/8/2024 until the recipient has met the scope of the specification. The scope varies with type of facility, with a general limit set to 10 percent of the equipment, but no fewer than one unit, used in the facility and 20 percent, but no fewer than one unit, of equipment in specialized facilities that treat conditions that affect mobility. https://www.ecfr.gov/current/title-45/subtitle-A/subchapter-A/part-84

Many persons with disabilities supplied comments to the Health and Human Services proposed rules for medical device equipment, and how the lack of access to equipment that allows a person in a wheelchair to safely perform a self-transfer can adversely affect their access to adequate health and dental care, resulting in poorer outcomes overall for this population. This concern also affects healthcare workers who are expected to perform transfers and the possibility for worker's comp claims within this healthcare worker population.