

THE ISSUE:

US Access Board Standards for Accessible Medical Diagnostic Equipment



Midmark® 631 Procedure Chair



Midmark® 626 Barrier-Free Examination Chair

RECENT DEVELOPMENTS

On July 25th, 2024, the US Access Board (the federal agency providing leadership and guidance for accessible design) released its [final rule](#), entitled Standards for Accessible Medical Diagnostic Equipment, as required by Section 4203 of the Patient Protection and Affordable Care Act (ACA). These standards provide design criteria for examination and procedure chairs, weight scales and other diagnostic equipment that are accessible to people with disabilities.

The key ruling of the Access Board is that **examination and procedure chairs must have a low seat height of 17 inches or lower**. The final rule was effective September 23rd, 2024. **The [Access Board](#) found the [Midmark 626 Barrier-Free Examination Chair](#) to be the only chair on the market that exceeds the new standards with a low seat height of 15 ½ inches. Now Midmark is the first and only manufacturer in the market to have both a procedure chair and examination chair that comply with the US Access Board Standards.**

Getting to Know the Standards

ACCESS BOARD REQUIREMENTS

01 Seat Height

Transfer surfaces shall be adjustable in height measured from the floor to the top of the uncompressed transfer surface and shall provide the following:

- A low transfer position at 17 inches or lower
- A high transfer position at 25 inches or higher
- At least 4 additional transfer positions located between the low and high transfer positions separated by 1 inch minimum



02 Transfer Surface

The seated transfer surface shall be:

- 21 inches wide minimum
- 17 inches deep minimum



03 Base Clearance

The width of the base permitted within this clearance shall be 26 inches wide maximum at the edge of the examination surface.



04 Transfer Supports

Transfer supports shall be/have:

- Located 1 ½ inches maximum measured horizontally from the plane defined by the nearest edge of the transfer surface
- Capable of supporting transfer on each side of the transfer surface
- 15 inches long minimum
- 6 inches to 19 inches in height (higher than the top of the associated uncompressed transfer surface) during use
- An outside diameter of 1 ¼ inches minimum and 2 inches maximum (circular cross section)
- A gripping surface continuous along their length and shall not be obstructed along their tops or sides



05 Leg Supports

- Where stirrups are provided, leg support shall also be provided.
- Leg supports shall provide a method of supporting, positioning and securing the patient's legs.



See what makes the Midmark 626 Barrier-Free® Examination Chair and the Midmark® 631 Procedure Chair compliant.

[Midmark 626 Barrier-Free Examination Chair](#)

[Midmark 631 Procedure Chair](#)

Enforcement

DEPARTMENT OF HEALTH AND HUMAN SERVICES ENFORCEMENT

Effective **July 8th, 2024**, the Department of Health and Human Services (HHS) issued a final ruling, 45 CFR Part 84, stating that the Access Board Standards for Accessible Medical Diagnostic Equipment (MDE) will be enforced within the HHS's authority under section 504 of the Rehabilitation Act of 1973 requiring entities that receive federal financial assistance (Medicare/Medicaid) to comply.¹

DEPARTMENT OF JUSTICE (DOJ) ENFORCEMENT

Effective **October 8th, 2024**, the Department of Justice issued a final ruling, 28 CFR Part 35, stating that the Access Board Standards for Accessible Medical Diagnostic Equipment (MDE) will be enforced within the DOJ's authority under Title II of the Americans with Disabilities Act (ADA) requiring state and local government entities to comply.²

ENFORCED STANDARDS

The HHS and DOJ are enforcing the Access Board Standards (MDE) that were issued on July 1st, 2017, 36 CFR part 1195, requiring Medical Diagnostic Equipment to have a **17-inch to 19-inch low transfer height range**.

The most recent 2024 Access Board Standards (MDE), requiring a **17-inch low seat height effective September 23rd, 2024, are not enforced at this time by the HHS and DOJ**.

The HHS and DOJ are considering issuing a supplemental rulemaking proposing to adopt the 17-inch low seat height requirement.^{3,4}

SCOPING REQUIREMENTS

According to the HHS and DOJ rulings, the general scoping requirements for medical diagnostic equipment state:

- **At least 10%** of the total number of units at a facility, but no fewer than one unit, must meet the Access Board Standards (MDE).
- **At least 20%** of the total number of units at a rehabilitation facility that specializes in treating conditions that affect mobility, but no fewer than one unit, meet the Access Board Standards (MDE).

Effective **July 8th, 2024**, for the HHS and **October 8th, 2024**, for the DOJ, newly acquired medical diagnostic equipment must meet the Access Board Standards (MDE) that were issued on July 1st, 2017, 36 CFR part 1195 requiring Medical Diagnostic Equipment to have a **17-inch to 19-inch low transfer height** range until the scoping requirements are met.

MINIMUM OBLIGATION

The HHS requires that each facility **MUST HAVE** one exam chair and weight scale that are compliant to the 2017 Access Board Standards (MDE) Standard by July 8th, 2026.⁷

The DOJ requires that each facility **MUST HAVE** one exam chair and weight scale that are compliant to the 2017 Access Board Standards (MDE) Standard by August 9th, 2026.⁶

THINGS TO CONSIDER

Examples of facilities required to comply to the HHS ruling: Public Hospitals (state/local/university), County Health Departments, Private Hospitals, Federally Qualified Health Centers, Physician Offices, Rehab Centers, Private Mental Health Center, VAs*.

*VAs must comply to section 504 of the Rehabilitation Act but are enforced by the VA Office of Resolution Management (ORMDI) and the DOJ.

Examples of facilities required to comply to the DOJ ruling: State/County Hospitals, Local Health Departments, Public University Hospitals.

In any facility or program with multiple departments, clinics or specialties, the facility must disperse accessible MDE proportionately by department, clinic or specialty.⁵ Entities must ensure that the dispersion of their accessible MDE does not discriminate against people with disabilities.⁶

Denying a physical examination to a patient with a disability because of the lack of accessible MDE may violate the nondiscrimination obligation (35.210) which states that entities cannot exclude, deny benefits to or otherwise discriminate against people with disabilities in services, programs or activities.⁸

Reaching only 10% requirement may make scheduling patients more difficult. Even after a provider complies with the scoping requirements, if patients with disabilities have significantly fewer scheduling options than nondisabled patients, that could implicate the obligation (35.212) to make entities' services, programs and activities readily accessible to and usable by individuals with disabilities.⁸

"Entities may determine that the most effective way to carry out these obligations set forth in 35.210 and 35.212 will be to acquire additional accessible MDE beyond the scoping requirements."⁸

"The lack of physical accessibility adversely affects quality of care, leading to delayed and incomplete care, missed diagnoses, exacerbation of the original disability and increases in the likelihood of the development of secondary conditions."

Sources:

- 1 <https://www.federalregister.gov/documents/2024/05/09/2024-09237/nondiscrimination-on-the-basis-of-disability-in-programs-or-activities-receiving-federal-financial>
- 2 <https://www.federalregister.gov/documents/2024/08/09/2024-16889/nondiscrimination-on-the-basis-of-disability-accessibility-of-medical-diagnostic-equipment-of-state>
- 3 <https://www.federalregister.gov/documents/2024/05/09/2024-09237/nondiscrimination-on-the-basis-of-disability-in-programs-or-activities-receiving-federal-financial#:~:text=The%20Access%20Board%20issued%20an,on%20transfer%20height%20is%20finalized.>
- 4 <https://www.federalregister.gov/documents/2024/08/09/2024-16889/nondiscrimination-on-the-basis-of-disability-accessibility-of-medical-diagnostic-equipment-of-state#:~:text=On%20May%2023,Board%27s%20updated%20standard.>
- 5 [https://www.federalregister.gov/documents/2024/08/09/2024-16889/nondiscrimination-on-the-basis-of-disability-accessibility-of-medical-diagnostic-equipment-of-state#:~:text=\(a\)%20Requirements,one%20weight%20scale](https://www.federalregister.gov/documents/2024/08/09/2024-16889/nondiscrimination-on-the-basis-of-disability-accessibility-of-medical-diagnostic-equipment-of-state#:~:text=(a)%20Requirements,one%20weight%20scale)
- 6 <https://www.federalregister.gov/documents/2024/08/09/2024-16889/nondiscrimination-on-the-basis-of-disability-accessibility-of-medical-diagnostic-equipment-of-state#:~:text=Sections,against%20people%20with%20disabilities.>
- 7 [https://www.federalregister.gov/documents/2024/05/09/2024-09237/nondiscrimination-on-the-basis-of-disability-in-programs-or-activities-receiving-federal-financial#:~:text=\(c\)%20Requirements,printed%20page%2040195\)](https://www.federalregister.gov/documents/2024/05/09/2024-09237/nondiscrimination-on-the-basis-of-disability-in-programs-or-activities-receiving-federal-financial#:~:text=(c)%20Requirements,printed%20page%2040195)
- 8 [https://www.federalregister.gov/documents/2024/08/09/2024-16889/nondiscrimination-on-the-basis-of-disability-accessibility-of-medical-diagnostic-equipment-of-state#:~:text=The%20Department%20also%20clarifies%20that%20the,in%20C%27A7%E2%80%8935.211\(b\)\(1\)%20and%20\(2\).](https://www.federalregister.gov/documents/2024/08/09/2024-16889/nondiscrimination-on-the-basis-of-disability-accessibility-of-medical-diagnostic-equipment-of-state#:~:text=The%20Department%20also%20clarifies%20that%20the,in%20C%27A7%E2%80%8935.211(b)(1)%20and%20(2).)