Barriers and Belief Systems:
Removing Admissions Barriers for Nurses with Disabilities: Addressing Technical Standards
Moderators:

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The Voice of Academic Nursing
Macy Priority Areas:

• Promoting Diversity, Equity, and Belonging
• Increasing Collaboration Among Future Health Professionals
• Preparing Future Health Professionals to Navigate Ethical Dilemmas
Panelists:

(From L to R) Michelle Miller, JD, Sarah Triano, MS, NCC, LPC, Andrea Dalzell, RN, MA, Lisa Meeks, PhD, MA
Learning Objectives:

• Discuss barriers for nurses with disabilities including ableist belief systems and outdated technical standards.

• Identify current guidance and best practice for technical standards and communicating disability inclusion.

• Describe the potential for disconnect between “front and back” of the house in the context of schools of nursing.
Sources of Information

Sources: McKee, et al., (in Meeks and Neal Boylan) 2020; Ailey and Marks, 2016; Meeks and Jain, 2018
Legal Framework

Nondiscrimination Laws

• The Americans With Disabilities Act (ADA)

• Rehabilitation Act of 1973 Section 504
The Term “Technical Standards”

“Qualified handicapped person” as “With respect to postsecondary and vocational education services, a handicapped person who meets the academic and technical standards requisite to admission or participation in the recipient's education program or activity”
Southeastern Community College vs. Davis

First 504 case in US Supreme Court

• Southeastern Community College refused to admit a woman with hearing disabilities into its RN program.
• Southeastern had no “technical standards”
• SCC Engaged in a faculty-driven process
• Concluded that it would have to fundamentally alter its educational program to accommodate this student.
• US Supreme Court agreed in a unanimous decision.
However

“Technological advances may one day result in a situation making “an insistence on past requirements and practices” an arbitrary deprivation of the opportunity for genuinely qualified persons with disabilities to participate in programs like the one which refused Ms. Davis admittance.”
That Day has Arrived

Argenyi v. Creighton

Featherstone v. PNWU

Searls v. Johns Hopkins Hospital

Eligibility Criteria.

(a) General. A public accommodation shall not impose or apply eligibility criteria that screen out or tend to screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any goods, services, facilities, privileges, advantages, or accommodations, unless such criteria can be shown to be necessary for the provision of the goods, services, facilities, privileges, advantages, or accommodations being offered.
Regulating and Developing TS

Domains:

- Observation
- Communication
- Motor
- Conceptual, integrative and quantitative
- Behavioral and social
What’s Next In Nursing
Fundamental Elements of TS

01
A statement that encourages matriculants to disclose disability and request accommodation

02
A statement that communicates a confidential process

03
A statement that directs students to the office for disability resources
Welcoming Language Example

- Rush University is committed to diversity and to attracting and educating students who will make the population of health care professionals' representative of the national population. Our core values — ICARE — Innovation, Collaboration, Accountability, Respect and Excellence translate into our work with all students, including those with disabilities. Rush actively collaborates with students to develop innovative ways to ensure accessibility and creates a respectful accountable culture through our confidential and specialized disability support. Rush is committed to excellence in accessibility; we encourage students with disabilities to disclose and seek accommodations.
Communicate and Publicize TS
Organic vs. Functional

**Organic technical standards** emphasize *how* a student goes about completing a task, over the skill-based competency

- Must be able to *hear, see, speak clearly*, and be able to *stand*

**Functional technical standards** that focus on the students’ *abilities*, with or without the use of accommodations or assistive technologies

- Allow students with disabilities to use assistive technologies for example amplified stethoscopes, specialized motorized wheelchairs, magnifying devices, and use accommodations, to meet technical standards of nursing education
Motor Domain

Possesses the capacity to perform the physical manipulations and diagnostic procedures that are part of a complete nursing practice and diverse clinical experience.

Examples: Moves among patient rooms and treatment areas, moves physical patients, performs CPR, calibrates and uses equipment.

Possesses four (4) functional limbs (normal or artificial) that allow the student to perform sufficiently to move from room to room and maneuver in small spaces and possesses gross and fine motor abilities sufficient to provide safe and effective nursing care.

Possesses the ability to exert 20-50 lbs. of force occasionally, 10-25 lbs. of force frequently, and negligible to 10 lbs. of force constantly to move objects.

Examples: Positions and moves patients and equipment.
Organic Technical Standards: Communication

Communication: A candidate should be able to speak, to hear, and to observe patients in order to elicit information, describe changes in mood, activity, and posture, and perceive nonverbal communications. A candidate must be able to communicate effectively and sensitively with patients. Communication includes not only speech, but reading and writing. The candidate must be able to communicate effectively and efficiently in oral and written form with all members of the healthcare team.
Functional Technical Standards: Communication

**Communication**: Students should be able to *communicate* with patients in order to elicit information, detect changes in mood, activity, and to establish a therapeutic relationship. Students should be able to communicate effectively and sensitively with patients and all members of the health care team both in person and in writing.
"The School of Nursing has an ethical responsibility for the safety of the patients with whom students and graduates may come into contact. Although students learn and work under the supervision of the faculty, students interact directly with patients throughout the BSN program. Patient safety and well-being are therefore major factors in establishing requirements involving the competencies required of BSN students for admission, progression, and graduation."
Essential Function or Technical Standard
Fostering a more inclusive nursing profession

- Challenge ableist assumptions
- Promote a broader understanding of nursing roles
- Advocate for the recognition and utilization of diverse talents within the profession
Nursing Careers

- Reviewing and revising technical standards

- Diverse opportunities for graduating nurses
Improving the Profession
**Recommendations**

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<tr>
<th>Conduct</th>
<th>Conduct a self-evaluation using the chapter on technical standards in “Disability as Diversity.”</th>
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<tbody>
<tr>
<td>Avoid</td>
<td>Avoid the “front of the house/back of the house” issue by training your academic leaders at all tiers so they can set the expectations for their division.</td>
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<tr>
<td>Know and publish</td>
<td>Know and publish the process for disclosing disability and requesting accommodation. Make it easy for learners to find.</td>
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<tr>
<td>Embrace</td>
<td>Embrace that you don’t know what you don’t know and ask.</td>
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Coming to you at the END of the Series
Upcoming Webinars:

• Addressing Disability Accommodations and Inclusion through a DEI Lens.

• **Thursday, September 28, 2023, at 12:00 p.m. ET**
More Information:

• Webinar recordings: www.macyfoundation.org
• Additional questions info@macyfoundation.org
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