



# Hospitals Can Face Tricky Questions Regarding the Americans With Disabilities Act

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Many hospitals have policies that staff privileges will not be granted to a physician whose medical license has ever been suspended or revoked or require physicians to meet certain mental or physical requirements to be granted staff privileges. Such requirements have the potential when applied to violate Title III of the Americans With Disabilities Act (ADA).

Nevertheless, a hospital may exclude a disabled individual from staff privileges if:

- (1) the individual's participation would result in a direct threat to the health and safety of others, or
- (2) if the policy is necessary and based on legitimate safety criteria.

The key is to address doctors applying for staff privileges as individuals and not to make assumptions.

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