

February 12, 2024

*Submitted electronically at: [www.regulations.gov](http://www.regulations.gov)*

Rebecca B. Bond  
Chief, Disability Rights Section, Civil Rights Division  
U.S. Department of Justice  
150 M. St. NE 9<sup>th</sup> Floor  
Washington, DC 20002

**Re: RIN 1190-AA78 – Nondiscrimination on the Basis of Disability; Accessibility of Medical Diagnostic Equipment of State and Local Government Entities**

Dear Ms. Bond:

On behalf of our more than 460 member hospitals and health systems, the Texas Hospital Association (THA) appreciates the opportunity to provide comments on the above-referenced proposed rules by the Department of Justice (DOJ). THA strongly supports efforts by the federal government to improve access to the health care services available to Texans.

THA commends the DOJ for taking well-intentioned steps to ensure that medical diagnostic equipment is available to individuals with disabilities at our public hospitals. However, THA recommends that the DOJ exercise thoughtful deliberation in adopting rules that require public hospitals, funded with taxpayer dollars, to potentially expend significant amounts of money to acquire or lease accessible MDE to comply with the proposed rules. This proposal assumes that some public hospitals have MDE that is/was previously accessible to individuals with disabilities prior to the rule's adoption but may not meet the specific technical requirements that the DOJ proposes to apply to MDE. THA notes for the DOJ that Texas' public entities are subject to procurement rules that may or may not require competitive bidding for certain purchases. Therefore, THA would recommend that the DOJ consider increasing the time that public entities have before they have must comply with the new standards for newly purchased, leased, or otherwise acquired MDE from 60 days to 180 days in proposed new 35 C.F.R. §35.211(a). This should provide public entities with appropriate time to plan and determine what MDE needs to be acquired in compliance with the new standards and if such purchases need to be competitively procured.

Additionally, THA requests that the DOJ clarify when public entities are expected to comply with the scoping requirements outlined in proposed new 35 C.F.R. §35.211(b). Will public entities be expected to comply with these scoping requirements upon the effective date of the proposed rule or later? THA recommends that public entities be given at least two years from the rule's publication in final form to achieve compliance with the scoping requirements outlined in such subsection.

Rebecca B. Bond  
February 9, 2024  
Page 2 of 2.

If you have any questions, you may contact me at [hdelagarza@tha.org](mailto:hdelagarza@tha.org).

Kind regards,

/s/Heather De La Garza

Heather De La Garza  
Associate General Counsel  
Texas Hospital Association