



# MEDICAL EXAMS AND INQUIRIES

## Accommodation and Compliance: Medical Exams and Inquiries

### Introduction

Title I of the Americans with Disabilities Act (ADA) limits an employer's ability to make disability-related inquiries or to require medical exams at three stages of employment: pre-job offer, post-job offer, and during employment. The following discusses when employers can ask disability-related questions or require medical exams and provide guidance regarding the scope of medical inquiries and exams.

### GENERAL RULES

The following are the general rules for each stage of employment. There are exceptions to these general rules that can be found in the related publications.

#### Stage 1: Job Applicants

General rule: Employers cannot ask medical questions or require medical exams at this stage.

- For more information, see [Preemployment Disability-Related Inquiries and Medical Exams \(EEOC Guidance\)](#)

#### Stage 2: Job Offer Made, Hasn't Started Working

General rule: Employers can ask any medical questions or require any medical exams they choose as long as all entering employees in the same job category are subjected to the same questions or exams, regardless of disability and the medical information obtained is kept confidential. Medical questions and examinations do not have to be job related and consistent with business necessity at the post-offer, preemployment stage.

- For more information, see [Preemployment Disability-Related Inquiries and Medical Exams \(EEOC Guidance\)](#)

#### Stage 3: Employees

General rule: Disability-related inquiries and examinations of employees must be "job-related and consistent with business necessity." A medical inquiry or examination is job-related and consistent with business necessity when:

1. an employer has a reasonable belief, based on objective evidence, that an employee's ability to perform essential job functions will be impaired by a medical condition, or
2. an employer has a reasonable belief, based on objective evidence, that an employee will pose a direct threat due to a medical condition, or
3. an employee asks for a reasonable accommodation and the employee's disability or need for accommodation is not known or obvious, or
4. required in positions that affect public safety, such as police and fire fighters.

- For more information, see [Disability-Related Inquiries and Medical Exams of Employees \(EEOC Guidance\)](#)

### FREQUENTLY ASKED QUESTIONS AND JAN RESOURCES

#### EMPLOYERS

**Question:** What medical documentation can employers request when employees ask for accommodations?

- [Medical Inquiry in Response to an Accommodation Request and Sample Form](#)
- [Requests for Medical Documentation and the ADA](#)
- [To Ask, or Not to Ask? – Knowing When to Request Medical Information](#)

**Question:** Are there standard forms employers should use when requesting medical documentation and if not, is it okay to use sample forms to create standard, in-house forms?

- [The Use of Sample Forms under the ADA](#)

**Question:** Does HIPAA limit an employer's right to request medical documentation under the ADA?

- [HIPAA and Consent to Obtain Medical Information for ADA Purposes](#)

**Question:** What healthcare professionals can provide medical documentation to support an employee's accommodation request?

- [Who Can Provide Medical Documentation for ADA Purposes?](#)

**Question:** Can employers ask for medical information when employees with disabilities request flexible work arrangements?

- [Workplace Flexibility, the ADA, and Requesting Medical Information](#)

**Question:** What steps can employers take to help ensure that employees provide medical documentation in a timely manner?

- [Avoiding "The Waiting Place" After Requesting Medical Information](#)

**Question:** Can employers ask employees whether they need accommodations?

- [Mother May I? Must I? Should I?](#)

**Question:** Can employers periodically ask for new medical documentation to support a long-term accommodation?

- [Recertifying the Ongoing Need for Accommodation](#)

**Question:** Can employers ask whether a job applicant has a disability for affirmative action or when giving hiring preference to applicants with certain types of disabilities?

- [Affirmative Action and Disability: What Can Employers Ask?](#)
- [Giving Hiring Preference to People with Disabilities](#)

## HEALTHCARE PROVIDERS

**Question:** What type of information can be provided to support a patient's accommodation request?

- [Practical Guidance for Medical Professionals: Providing Sufficient Medical Documentation in Support of a Patient's Accommodation Request](#)

## INDIVIDUALS WITH DISABILITIES

**Question:** When are employers allowed to ask medical questions or require medical exams?

- [Disability Disclosure and Employment](#)

**Question:** What can employees do if they think their employer is asking for too much medical information?

- [Dealing with Improper Requests for Medical Documentation from an Employer](#)

**Question:** Do employers have to keep employee medical information confidential?

- [Confidentiality of Medical Information under the ADA](#)

## Situations and Solutions:

The following situations and solutions are real-life examples of accommodations that were made by JAN customers. Because accommodations are made on a case-by-case basis, these examples may not be effective for every workplace but give you an idea about the types of accommodations that are possible.



A library employee who had several fairly severe motor tics very rarely had vocal ones because of Tourette Syndrome.

[Read more](#)



A nurse in an extended care unit asked for the accommodation of no overtime, as well as being relieved of duties that require to work on the floor.

[Read more](#)

## JAN Publications & Articles regarding Medical Exams and Inquiries

### Publications

#### Consultants' Corner Articles

[Affirmative Action and Disability: What Can Employers Ask?](#)

[Confidentiality of Medical Information under the ADA](#)

[Dealing with Improper Requests for Medical Documentation from an Employer](#)

[Documentation of a Learning Disability](#)

[Recertifying the Ongoing Need for Accommodation](#)

[View All Publications](#)

### Articles

[HIPAA and Consent to Obtain Medical Information for ADA Purposes](#)

[Medical Documentation: Think about What is Needed and Stop There!](#)

[Mother May I? Must I? Should I?](#)

[Requests For Medical Documentation and the ADA](#)

[Return to Work After Hospitalization for Mental Health Treatment](#)

[The Use of Sample Forms under the ADA](#)

[To Ask, or Not to Ask? - Knowing When to Request Medical Information](#)

[What Does "Sufficient" Mean? - A Deconstructive Series for ADA Terminology](#)

[Who Can Provide Medical Documentation for ADA Purposes?](#)

[Workplace Flexibility, the ADA, and Requesting Medical Information](#)

### Blog Posts

Ask JAN!

Avoiding “The Waiting Place” After Requesting Medical Information

The Manager’s Dilemma: “An employee is asking about a co-worker’s accommodation. As a manager, what do I say?”

[➔ View All Blog Posts](#)

## Events Regarding Medical Exams and Inquiries

### Upcoming Events

No Upcoming Events for Medical Exams and Inquiries.

[➔ View All Upcoming Events](#)

### Past Recorded Module

No Past Recorded Modules for Medical Exams and Inquiries.

[➔ View All Recordings](#)

### Past In-person Training

No Past In-Person Trainings for Medical Exams and Inquiries.

[➔ View All In-Person Trainings](#)

### Past Exhibit Booths

No Past Exhibit Booths for Medical Exams and Inquiries.

[➔ View All Exhibits](#)

### Past Webcast Series Training

No Remote Monthly Series Training for Medical Exams and Inquiries.

[➔ View All Trainings](#)

<a href="#">Upcoming Events</a>
<a href="#">Past Recorded Module</a>
<a href="#">Past In-person Training</a>
<a href="#">Past Exhibit Booths</a>

<a href="#">Past Webcast Series Training</a>


## Other Information Regarding Medical Exams and Inquiries

### External Links

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[EEOC's Disability Discrimination](#) 

[EEOC's Disability-Related Inquiries and Medical Examinations, Employees](#) 

[EEOC's Disability-Related Inquiries and Medical Examinations, Obtaining and Using Employee Medical Information as Part of Emergency Evacuation Procedures](#) 

[EEOC's Disability-Related Questions and Medical Examinations, Preemployment](#) 

[EEOC's Mental Health Provider's Role in a Clients' Request for a Reasonable Accommodation at Work](#) 

[Supporting Accommodation Requests: Guidance on Documentation Practices](#) 

### Organizations

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[Job Accommodation Network](#)

[Office of Disability Employment Policy](#)

[U.S. Equal Employment Opportunity Commission](#)