



# County Technical Assistance Service

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## FAQ's about Medical Examinations under the ADA

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Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

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## FAQ's about Medical Examinations under the ADA

**Reference Number:** CTAS-2027

1. What happens if an employee refuses to participate in a requested medical examination?

It depends on why the employee was asked to participate in a medical examination. If the employee's job performance is suffering and a medical condition is suspected but the employee refuses the exam, discipline should focus on the employee's performance in accordance with company policy.

2. What happens if an employee requests a reasonable accommodation but provides insufficient documentation from his/her doctor to substantiate the ADA disability?

The employer should explain why the information is insufficient and give the employee a chance to provide the missing information. The employer can contact the employee's doctor (with the employee's consent) to obtain the missing information. As a last resort, the employer can require the employee go to a health care provider of the employer's choice.

Documentation may be insufficient when—

- The health care professional does not have the expertise to analyze the employee's condition.
  - The documentation does not specify the limitations due to the disability.
  - Any other factors that indicate the information is fraudulent.
- Employers are not required to provide a reasonable accommodation until they have sufficient documentation.

3. What happens if an employer believes an employee is a direct threat to other employees and to the organization?

Because the employer is responsible for assessing whether or not an employee poses a direct threat, the employer can have the employee examined by its own health care provider. The health care provider selected should have an expertise in the employee's suspected problem and should be able to provide current information.

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