

Confidentiality and Limitations on Uses of Medical Information

Although the Americans with Disabilities Act (ADA) does not limit the nature or extent of post-offer medical examinations with inquiries, it imposes very strict limitations on the use of information obtained from such examinations and inquiries. These limitations also apply to information obtained from examinations or inquiries of employees.

Medical information obtained in the course of a post-offer medical examination or inquiry may be provided to and used by appropriate decision-makers involved in the hiring process in order to make employment decisions consistent with the ADA. For example, the employer may use the information to determine whether a reasonable accommodation is possible for a particular applicant with a disability.

Example: R has extended a job offer to an applicant with paraplegia. The individual requests reasonable accommodation so that she can perform the job. R may consult with an occupational health professional,