



## Mitigating Measures

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Dear Reader:

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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 municipal 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 MTAS website material.

Sincerely,

The University of Tennessee  
Municipal Technical Advisory Service  
1610 University Avenue  
Knoxville, TN 37921-6741  
865-974-0411 phone  
865-974-0423 fax  
[www.mtas.tennessee.edu](https://www.mtas.tennessee.edu)

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**Reference Number:** MTAS-1064

ADAAA says mitigating measures can no longer be used as a factor in determining if someone's impairment qualifies under ADA. This is a significant change from ADA prior to ADAAA. Mitigating devices can be things such as: medication, medical supplies and equipment, prosthetics, hearing aids and other hearing devices such as cochlear implants, mobility devices, oxygen, and vision devices (except ordinary eyeglasses or contact lenses). Additionally, mitigating measures could also mean assistive technology, behavioral and neurological modifications, psychotherapy, therapy etc. For example, an individual who has insulin dependent diabetes and takes an insulin regulator will still be covered under ADA, and the employer may not use the mitigating measure (prescription) to determine limitations.

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