# What is Long COVID or Post-COVID Conditions?

The Centers for Disease Control and Prevention (CDC) indicates in its [guidance](https://www.cdc.gov/coronavirus/2019-ncov/long-term-effects/index.html), last updated in June 2022, that some people who have been infected with the virus that causes COVID-19 can experience long-term effects from their infection, known as Long COVID or Post-COVID Conditions (PCC). According to the CDC, people with Long COVID have a range of new or ongoing symptoms that can last weeks or months after they are infected with the virus that causes COVID-19 and that can worsen with physical or mental activity. In other words, Long COVID can include symptoms that first appeared when the individual contracted COVID-19 that have not abated as well as new symptoms that did not occur when the individual was first infected with the virus. Long COVID occurs more often in people who experience severe COVID-19 infections. In addition, people who are not vaccinated and contract COVID-19 are at higher risk of developing Long COVID compared to those who are vaccinated.

Post-COVID conditions manifest in a wide variety of symptoms. According to the CDC, these symptoms can include:

* General symptoms (tiredness or fatigue that interferes with daily life, symptoms that get worse after physical or mental effort (also known as “post-exertional malaise”), and fever)
* Respiratory and heart symptoms (difficulty breathing or shortness of breath, cough, chest pain, fast-beating or pounding heart (also known as heart palpitations))
* Neurological symptoms (difficulty thinking or concentrating (sometimes referred to as “brain fog”), headache, sleep problems, dizziness stand up (lightheadedness), pins-and-needles feelings, change in smell or taste, depression, or anxiety)
* Digestive symptoms
* Other symptoms (e.g., joint or muscle pain)

## How is Long COVID defined as a disability under the ADA?

As of July 2021, Long COVID may be considered a disability under the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, as amended, Section 1557 of the Patient Protection and Affordable Care Act, and the Individuals with Disabilities Education Act (IDEA). Although these definitions have some similarities, they are each unique and are defined in the specific law in question and in its implementing regulations.

The definition of individual with a disability under Section 504 and the ADA is fairly broad. In July 2021, the Department of Justice and the Office for Civil Rights in the Department of Health and Human Services issued [guidance](https://www.hhs.gov/civil-rights/for-providers/civil-rights-covid19/guidance-long-covid-disability/index.html) that states that individuals with Long COVID can be considered individuals with disabilities under Section 504 and the ADA. This broader definition can also be found in the VR program regulations for an individual with a disability in [34 C.F.R. § 361.5(c)(28)](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-361#p-361.5(c)(28)) and refers to an individual:

1. Who has a physical or mental impairment that substantially limits one or more major life activities;
2. Who has a record of such an impairment; or
3. Who is regarded as having such an impairment.

Under Section 504 and the ADA, a person with Long COVID has a disability if they meet the first or second prongs of the definition, that is, if they have a physical or mental impairment that limits one or more major life activities or if they have a record of such an impairment.

This guidance explains that Long COVID is a physical or mental impairment. A physical impairment includes any physiological disorder or condition affecting one or more body systems, including, among others, the neurological, respiratory, cardiovascular, and circulatory systems. A mental impairment includes any mental or psychological disorder, such as an emotional or mental illness. Long COVID is a physiological condition affecting one or more body systems. For example, Long COVID can cause lung damage, heart damage, damage to the circulatory system, neurological damage, lingering emotional illness, and other mental health conditions. Accordingly, Long COVID is a physical or mental impairment under the ADA and Section 504.

Long COVID can substantially limit one or more major life activities. “Major life activities” include a wide range of activities, such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, writing, communicating, interacting with others, and working. The term also includes the operation of a major bodily function, such as the functions of the immune system, cardiovascular system, neurological system, circulatory system, or the operation of an organ.

The term “substantially limits” is construed broadly under these laws. The impairment does not need to prevent or significantly restrict an individual from performing a major life activity, and the limitations do not need to be severe, permanent, or long-term. Even if the impairment comes and goes, it is considered a disability if it would substantially limit a major life activity when the impairment is active. The situations in which an individual with Long COVID might be substantially limited in a major life activity are diverse. Among possible examples, some include:

* A person with Long COVID who has lung damage that causes shortness of breath, fatigue, and related effects is substantially limited in respiratory function, among other major life activities.
* A person with Long COVID who has symptoms of intestinal pain, vomiting, and nausea that have lingered for months is substantially limited in gastrointestinal function, among other major life activities.
* A person with Long COVID who experiences memory lapses and “brain fog” is substantially limited in brain function, concentrating, and/or thinking.

According to the guidance, people whose Long COVID qualifies as a disability are entitled to the same protections from discrimination as any other person with a disability under the ADA and Section 504. Put simply, they are entitled to full and equal opportunities to participate in and enjoy all aspects of civic and commercial life. For example, this may mean that businesses or state or local governments will sometimes need to make changes to the way that they operate to accommodate a person’s Long COVID-related limitations. For people whose Long COVID qualifies as a disability, these changes, or “reasonable modifications,” may include, for example:

* Providing additional time on a test for a student who has difficulty concentrating
* Modifying procedures so a customer who finds it too tiring to stand in line can announce their presence and sit down without losing their place in line
* Providing refueling assistance at a gas station for a customer whose joint or muscle pain prevents them from pumping their own gas
* Modifying a policy to allow a person who experiences dizziness when standing to be accompanied by their service animal that is trained to stabilize them

The U.S. Equal Employment Opportunity Commission also issued some helpful [guidance](https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws#N) on Long COVID as a disability under the ADA, the Rehabilitation Act, and other EEO Laws, last updated on March 14, 2022. The questions and answers under Section N of this guidance are particularly relevant to employers as they hire and retain individuals with Long COVID and provide reasonable accommodations, as necessary.

## How is Long COVID defined as a disability in the VR program for purposes of VR eligibility?

There are three prongs to the definition of individual with a disability for purposes of VR program eligibility, found in [34 C.F.R. § 361.5(c)(27)](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-361#p-361.5(c)(27)), and they refer to an individual:

1. Who has a physical or mental impairment;
2. Whose impairment constitutes or results in a substantial impediment to employment; and
3. Who can benefit in terms of an employment outcome from the provision of VR services.

Therefore, it is incumbent upon the VR counselor to assess, on a case-by-case basis, whether an individual who presents with Long COVID meets the three prongs of the definition of individual with a disability for purposes of VR eligibility. Particularly relevant here is the second prong of the definition; that is, whether the individual’s physical or mental impairments, caused by Long COVID, constitute or result in a substantial impediment to employment.

It is likely that the VR counselor will need to gather medical documentation to determine the nature of the individual’s impairments caused by Long COVID, how the individual’s impairments affect their functioning, and the prognosis for the conditions, if known (how long the symptoms might last and whether they might improve). Such medical assessment would need to be conducted by qualified medical personnel. Knowledge about the effects of Long COVID is still evolving, making medical assessments challenging. Based on this medical information, the VR counselor would then need to exercise professional judgment and determine how the impairments and the limits in functioning they create would affect the individual’s ability to acquire or retain employment consistent with their abilities, capabilities, interests, and informed choice.

For example, an individual presenting with Long COVID may be experiencing respiratory symptoms that have continued past the end of the acute illness. They may also be experiencing brain fog that did not occur while the person was acutely ill but became apparent after some of the initial COVID-19 symptoms abated. To further complicate the situation, the individual may have some other pre-existing disabling condition that, taken together with the Long COVID symptoms, makes their acquiring or retaining employment more challenging. The determination of the individual’s eligibility for VR services must take into consideration all of these and similar factors and must be considered on a case-by-case basis. The occurrence of Long COVID, coupled with a pre-existing condition, may also require that the VR agency operating under an order of selection recategorize an individual on a waiting list to a higher category in the order.

Once an individual with Long COVID is determined eligible for VR services, they could receive any service necessary to help them achieve an employment outcome. These individuals may be people who had not worked prior to contracting Long COVID or they may be people whose employment is jeopardized because they have become unable to perform the functions of their job due to their impairments and therefore need VR services to retain employment, or, alternatively, to receive training to enable them to acquire skills necessary for another type of employment.

## What about students with disabilities who have Long COVID?

According to [guidance](https://www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-504-20210726.pdf) issued by the Department of Education in July 2021, a student experiencing Long COVID may be eligible for special education and related services under IDEA and/or may be entitled to protections and services under Section 504 of the Rehabilitation Act. Some students who were already identified as having a disability under IDEA and/or Section 504 and who have contracted COVID-19 may experience new or worsened symptoms related to their pre-existing disability, to COVID-19, or to both. If these symptoms persist in the form of Long COVID, these students may need new or different related aids and services, specialized instruction, or reasonable modifications. Other students may be found eligible for services under IDEA and/or Section 504 for the first time because of the adverse impact of Long COVID on the student’s educational achievement and functioning (IDEA) or if Long COVID substantially limits one or more of the student’s major life activities (Section 504).

To be eligible for special education and related services under Part B of IDEA, the student must be evaluated and determined to be a student who has a disability and who requires specialized services as defined under IDEA. For example, under the IDEA Part B regulations, a student may be eligible for special education and related services based on having an “other health impairment” if the student has limited strength, vitality, or alertness due to a chronic or acute health problem that adversely affects the student’s educational performance.

Given the VR program’s responsibility to conduct outreach to students with disabilities who might be potentially eligible for pre-employment transition services and other VR services, the VR agency may encounter students with disabilities who have Long COVID and who could benefit from pre-employment transition services or who might apply for VR services and be determined eligible to receive the full array of VR services, including pre-employment transition services, transition services, and other VR services, under an Individualized Plan for Employment (IPE).

## What might the future hold for addressing Long COVID?

According to a blog referenced in Mathematica’s Center for Studying Disability Policy newsletter, dated July 8, 2022, there are potentially benefits to providing individuals with Long COVID with a set of coordinated health and employment services. According to the blog referenced in the newsletter, although data on the number of individuals experiencing Long COVID is somewhat unclear, a June 2022 survey revealed that approximately 7.5 million Americans may have Long COVID symptoms, many of whom are working-age adults. However, there is no clear place for individuals with Long COVID to turn to for medical care and employment supports. The blog makes the point that “Employment supports are not integrated within medical systems or in the SSA disability determination process. Primary care doctors can order diagnostic testing and make specialty referrals, but, to date, there are no curative treatments for Long COVID, and medical care is more likely to be focused on symptom management than restored function. Doctors can urge [individuals with Long COVID] to apply for disability benefits, but SSA and other insurers are unlikely to award benefits because there are no clear diagnostic markers or available tools yet for measuring disease severity and functional impacts. The U.S. Department of Labor’s Retaining Employment and Talent after Injury/Illness Network (RETAIN) initiative provides a promising model for the type of coordination between medical and employment services that could help [individuals with Long COVID] return to their previous jobs or find new ones. RETAIN helps workers with recent injuries and disabilities stay in the labor force through early coordination of medical care and employment services, including enhanced communication among workers, employers, and health care providers, and improved access to rehabilitation services and job accommodations.” VR agencies should explore this resource as well as other innovative programs that hold promise for assisting individuals with Long COVID to return to work.

## Resources:

For more information about Long COVID or Post-COVID Conditions, see information prepared by the Centers for Disease Control and Prevention at <https://www.cdc.gov/coronavirus/2019-ncov/long-term-effects/index.html>

For more information concerning Long COVID as a disability, prepared by the U.S. Department of Justice and the Office for Civil Rights in the U.S. Department of Health and Human Services, see “Long COVID” as a Disability Under the ADA, Section 504, and Section 1557, [https://www.hhs.gov/civil-rights/for-providers/civil-rights-COVID19/guidance-long-COVID-disability/index.html](https://www.hhs.gov/civil-rights/for-providers/civil-rights-covid19/guidance-long-covid-disability/index.html).

For more information on COVID-19, including Long COVID, prepared by the U.S. Equal Employment Opportunity Commission, see [https://www.eeoc.gov/wysk/what-you-should-know-about-COVID-19-and-ada-rehabilitation-act-and-other-eeo-laws#N](https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws#N)

For more information on Long COVID as a disability under Section 504 and the IDEA, prepared by the U.S. Department of Education’s Office for Civil Rights and Office of Special Education and Rehabilitative Services, see <https://www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-504-20210726.pdf>

For more information on the benefits of coordinated services for individuals with Long COVID, see [https://mathematica.org/blogs/COVID-long-haulers-will-require-better-coordinated-support](https://mathematica.org/blogs/covid-long-haulers-will-require-better-coordinated-support?utm_source=acoustic&utm_medium=email&utm_campaign=email&utm_content=DRC%20Alert%2007%2008%2022%20(1))