

February 2014

**Trainings & Events
(Central Standard Time)**

ADA Audio Conference Series

Part II: A Hands-on Approach to Self-Evaluations

February 18, 2014 1-2:30 CT

Next, how do you evaluate your programs, policies, and procedures? Once you've decided the scope of the evaluation and identified your resources, you'll need an organized and productive way to gather information, consider public input, and analyze the results. Possible considerations include showing support from the top; training; finding a way to bring together (1) knowledge of particular programs with (2) an understanding of the ADA -- and what to do if no one has that understanding; evaluating some programs in greater depth when they do not lend themselves to evaluation by checklist; quality control; and timing. We'll see what kind of information you should gather about facilities and at what level of detail, for assessing "program access."

Presenters:

[Irene Bowen](#) - President ADA One, LLC, Silver Spring, MD
[James Terry](#) - A.I.A., LEED-AP, CASp, NCARB Chief Executive Officer, Evan Terry Associates, Birmingham, AL

For more information visit [ADA Audio Conference Series](#) at <http://www.ada-audio.org> (877) 232-1990

Accessible Technology Webinar Series

How to Design and Deliver an Accessible Webinar

February 19, 2014 1-2:30 CST.

Access to individuals with disabilities, including those who are deaf or hard of hearing and people who are blind or have low vision must be provided. This applies whether you are participating in a webinar or presenting one. The Great Lakes ADA Center has worked together in providing a monthly webinar series and has developed some technical assistance to assist others in ensuring accessibility. This session will examine the use of interactive features, captioning, audio connections, and other features as it relates to those who are planning to provide webinars as well as those who are developing webinar platforms.

Speakers:

[Robin Jones](#) - Director of the Great Lakes ADA Center

For more information visit [ADA Audio Conference site](#)

AccessibilityOnline Webinar Series

Open Questions and Answers

March 6th, 2014 1-2:30

Back by popular demand! Accessibility specialists and information technology specialists from the Access Board are available to answer your burning questions during this session. Session participants are requested to submit questions in advance on the 2010 ADA Accessibility Standard, the Architectural Barriers Act Accessibility Standard, Section 508, Medical

VOLUME 10 ISSUE 4

News from the Federal Agencies

U.S. Access Board

Board Advisory Committee Issues Report on Medical Diagnostic Equipment

The U.S. Access Board's Medical Diagnostic Equipment (MDE) Accessibility Standards Advisory Committee has issued its report on accessibility standards for medical diagnostic equipment. The committee's report provides detailed recommendations on how MDE accessibility standards that the Board previously issued for public comment should be finalized. Once finalized by the Board, the standards will cover access to examination tables and chairs, weight scales, x-ray machines, mammography equipment, and other types of diagnostic equipment.

[Read more about this at Medical Diagnostic Equipment \(MDE\) Accessibility Standards Advisory Committee](#)

U.S. Equal Employment Opportunity Commission (EEOC)

EEOC Sues Genesis Healthcare for Refusing to Hire Deaf Applicant

Genesis HealthCare, LLC, the owner of Holly Manor Center nursing facility in Mendham, N.J., violated federal law when it refused to hire an applicant for its food service department because of his disability, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit it filed. According to the EEOC lawsuit, Genesis HealthCare and 84 Cold Hill Road Operations, both doing business as Holly Manor Center, refused to hire Stefan P. Denisiuk after initially offering him two part-time positions because he was deaf.

[Read more about this at EEOC Sues Genesis Healthcare](#)

Founders Pavilion Will Pay \$370,000 to Settle EEOC Genetic Information Discrimination Lawsuit

Founders Pavilion, Inc., a former Corning, N.Y. nursing and rehabilitation center, will pay \$370,000 to settle a discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC). The EEOC charged that Founders Pavilion requested family medical history as part of its post-offer, pre-employment medical exams of applicants. The Genetic Information Nondiscrimination Act (GINA) prohibits employers from requesting genetic information or making employment decisions based on genetic information.

[Read more about this at Founders Pavilion Will Pay \\$370,000](#)

U.S. Department of Justice (DOJ)

Justice Department Publishes a Notice of Proposed Rule Making

The Justice Department has published a Notice of Proposed Rulemaking (NPRM) intended to revise the Department's Americans with Disabilities Act (ADA) title II and title III regulations to implement the requirements of

Diagnostic Equipment or other Board rulemakings or activities. Accessibility specialists will answer questions submitted in advance during the first half of the session, leaving time in the second half to answer questions in the live session.

Presenters:

[Marsha K. Mazz](#) - Director, Office of Technical and Information Services, US Access Board

[Rex Pace](#) - Senior Accessibility Specialist and Technical Assistance Coordinator, US Access Board

[Melissa Andersen](#) - Transportation Specialist, US Access Board

[Tim Creagan](#) - Senior Accessibility Specialist and Technical Assistance Coordinator, US Access Board

For more information visit [AccessibilityOnline](#)

ADA Legal Webinar Series

THE TOP ADA CASES OF 2013

March 12, 2014 1-2:30 CT

Although religious institutions are largely exempt from the Americans with Disabilities Act (ADA) there are situations where these entities are indeed covered by the law. What does this mean for religious entities that operate schools? Are employees of religious organizations covered by employment provisions under the ADA? Further, what about religious entities receiving federal funds such as faith-based grants? Does the ADA apply to those operating businesses open to the public? The presenter will also discuss some of the more recent cases and examples of these situations and whether the ADA applies. During this session we will examine how the ADA applies to religious institutions/organizations with regards to:

Title I- Employment

Entities that receive federal funds under the Rehabilitation Act of 1973

Title III- Public Accommodations and operation of Commercial Facilities

Speakers:

[Judy Spalding-J.D.](#) - Consultant, Disability and Family Law

For more information visit [ADA Audio Conference site](#)

ADA Audio Conference Series

Part III: Bringing It All Together: Transition Plans, Barrier Removal Plans, and Action Plans

March 18, 2014 1-2:30 CT.

After gathering and analyzing information and identifying problems, it's time to put it all together and put it to work. The next step is to create an action plan for changes to policies, practices, and procedures; a barrier removal plan; and/or a transition plan for making physical changes to facilities in order to achieve program access. Learn about the Department of Justice's specific requirements for transition plans and what it suggests for barrier removal plans, what the Department of Transportation looks for

the ADA Amendments Act of 2008. The comment period for the proposed rule closes on March 31, 2014. Congress passed the ADA Amendments Act in order to clarify the scope of the definition of disability under the ADA and to ensure that it would be easier for individuals seeking the protection of the ADA to establish that they have a disability that falls within the meaning of the statute.

[Read more about this at Justice Department Publishes a Notice of Proposed Rule Making](#)

Justice Department Releases New Technical Assistance Documents

The Justice Department announced that it has published two new technical assistance documents to assist the public in understanding how the ADA applies to their unique circumstances. "Wheelchairs, Mobility Aids, and Other Power-Driven Mobility Devices" provides guidance on the Department's 2010 regulations regarding the use of wheelchairs and mobility aids, as well as other types of less-traditional powered mobility devices. "Effective Communication" provides guidance on the 2010 regulations provisions relating to communicating effectively with people who have vision, hearing, or speech disabilities. Both are part of the Department's "ADA Requirements" publication series

[Read more about this at Justice Department Releases New Technical Assistance Documents](#)

Department of Justice Announces Settlement Agreement

The Justice Department announced that, as part of its Barrier-Free Health Care Initiative, it has reached a settlement with Rite Aid of Michigan to resolve claims that Rite Aid violated the Americans with Disabilities Act (ADA). The Justice Department found that a Rite Aid store pharmacist in Okemos, Michigan, discriminated against a customer with HIV by refusing to administer a flu shot to the customer in violation of the ADA.

[Read more about this at Department of Justice Announces Settlement Agreement](#)

Court Approves Settlement with New Hampshire to Expand Community Mental Health Services

United States District Court Judge Steven J. McAuliffe approved a comprehensive settlement agreement that requires the State of New Hampshire to significantly expand and enhance mental health service capacity in integrated community settings throughout the state. The agreement is between the Justice Department, a coalition of mental health advocacy organizations, and the State of New Hampshire.

[Read more about this at Court Approves Settlement with New Hampshire to Expand Community Mental Health Services](#)

Justice Department Files a Statement of Interest in Pending Private Litigation

youthful offenders with disabilities are often subjected to solitary confinement because of their disabilities and are denied special education

For more information please call 800-949-4232 (Voice/TTY) or Online via [Contact Us form](#).

Great Lakes ADA Center
University of Illinois at Chicago
Department of Disability and Human Development (MC 728)
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Chicago, Illinois 60608-6904

from its highway fund recipients, and other factors to consider. We'll examine how to enlist staff in creating actions steps for each program, identify responsibilities, establish priorities and time lines, and track steps toward remediation. An architect who has assisted with numerous transition plans and barrier removal plans also brings his practical experience to bear on these issues and on how to tie corrective actions to the planning and budgeting process.

Presenters:

[Irene Bowen](#) - President ADA One, LLC, Silver Spring, MD
[James Terry](#) - A.I.A., LEED-AP, CASp, NCARB Chief Executive Officer, Evan Terry Associates, Birmingham, AL

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Accessible Technology Webinar Series

Introduction to ARIA

March 27, 2014 1-2:30

Find out what Accessible Rich Internet Application (ARIA) is and how it is important to accessibility in web design. See demonstrations of the effect ARIA roles, particularly landmark roles, can have on the accessibility of your web pages. Learn how easy it is to add ARIA landmark roles to your code in both standard HTML pages and in WordPress themes.

Speakers:

[Virginia DeBolt](#) - Director of the Great Lakes ADA Center

ADA Legal Webinar Series

QUALIFIED" UNDER THE ADA: THE NEW LEGAL BATTLEGROUND AFTER THE ADA AMENDMENTS ACT

MAY 21, 2014 1-2:30 CT.

Before the ADA Amendments Act (ADAAA), a significant number of ADA cases were dismissed because plaintiffs could not prove they had a disability. Five years after the ADAAA's implementation, fewer cases are being dismissed based on the definition of disability. As a result, the litigation landscape is shifting and the new legal battleground is whether plaintiffs are "qualified." This session will first review how qualified is defined in the ADA and interpreted by the Equal Employment Opportunity Commission, and then focus on how qualified is being treated in the courts. Be sure to join us for this session so that you're on top of this critical legal issue.

Speakers:

[Barry Taylor](#) - Vice President of Civil Rights and Systemic Litigation

[Rachel M. Weisberg](#) - Staff Attorney, Equip For Equality

and related services when they are locked in their cells for 22 hours or more. The Justice Department announced that, along with the Department of Education, it has filed a Statement of Interest in private litigation pending in the United States District Court for the Northern District of California, G.F. v. Contra Costa County (PDF). In that case, plaintiffs have alleged that youthful offenders with disabilities are often subjected to solitary confinement because of their disabilities and are denied special education and related services when they are locked in their cells for 22 hours or more.

[Read more about this at Justice Department Files a Statement of Interest in Pending Private Litigation](#)

Department of Justice Supports Protection and Advocacy Organizations' Access Rights

On February 5, 2014, the Department filed a Statement of Interest in Disability Rights Mississippi v. Mississippi Children's Home Services, a case in which the defendants have denied monitoring access to the local protection and advocacy organization. Three statutes provide protection and advocacy organizations around the country with the authority to monitor and investigate covered facilities serving people with disabilities. These statutes were crafted by Congress to protect vulnerable people with disabilities by establishing broad access rights for protection and advocacy organizations. The Statement of Interest expresses the United States' view that regular monitoring visits, including unaccompanied access to residents of a facility, are a critical aspect of protection and advocacy organizations' work and are authorized by the Protection and Advocacy Acts. Whether the individuals with disabilities at a covered facility are children or adults, the law clearly affords monitoring and investigatory access. Moreover, access to covered facilities does not require a court order.

[Read more about this at Department of Justice Supports Protection and Advocacy Organizations' Access Rights](#)

Great Lakes In Focus

Seeking Survey Responses: Transportation Access for Individuals with Disabilities Survey

The Rocky Mountain ADA Center, a member of the ADA National Network is sponsoring a survey of individuals with disabilities to understand the impact of access to transportation on social opportunities. The survey will take approximately 10 minutes to complete online at [Transportation Access for Persons with Disabilities](#)

Those who complete the survey may elect to be entered into a randomly selected drawing for one of eight \$25 Visa gift cards.

The Rocky Mountain ADA Center, a member of the ADA National Network, is a federally funded program providing technical assistance regarding disability issues. This survey will be used to inform the training, materials, and telephone consultation services available from the Rocky Mountain ADA Center (www.adainformation.org) and other members of the ADA National Network.

For more information please call 800-949-4232 (Voice/TTY) or Online via [Contact Us form](#).

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If you would like additional information, please contact Keith Christensen at keith.christensen@usu.edu or 435 797-0507.

Thank you for taking the time to participate.

[Acceso de Transporte para Personas con Discapacidades](#)

The Docket

[Summers vs. Altarum Institute Corp., No. 13-1645 \(4th Cir. January 23, 2014\)](#)

The United States Court of Appeals for The Fourth Circuit held that the Americans with Disabilities Act now protect persons with temporary disabilities which are severe. The Circuit Court became the first federal appellate court to hold that a sufficiently severe temporary impairment may constitute a disability under the ADA by applying the expanded definition of "disability" set forth in the 2008 amendments Act.

From the ADA Expert

Q. My brother uses a psychiatric service animal because of his Post-Traumatic stress disorder (PTSD). He recently was hospitalized for treatment of a non-related health condition. We were told by the hospital staff that my brother couldn't have the service animal with him because he was remaining overnight. Doesn't my brother have the right to have his service animal with him in the hospital?

A. The Americans with Disabilities Act (ADA) requires businesses to allow persons with disabilities to be accompanied by a service animal where ever the general public is allowed to go. A service animal under the ADA is defined as:

A dog individually trained to do work or perform tasks for a person with a disability.

Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with PTSD during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

In general a patient or visitor should be allowed to be accompanied by a service animal in a hospital. There may be certain areas, such as surgery rooms and infectious disease areas, where the hospital could prohibit service animals.

The hospital staff would not be required to provide care or food for your brother's service animal. The care and supervision of the service animal are the responsibility of the person with the disability. Additionally, the service animal must be under the handler's control at all times.

For additional information on the ADA contact the Great Lakes ADA Center by calling (800) 949-4232 (V/TTY) or by completing the Center's online contact form. <http://www.adagreatlakes.org/WebForms/ContactUs/>

For more information please call 800-949-4232 (Voice/TTY) or Online via [Contact Us form](#).

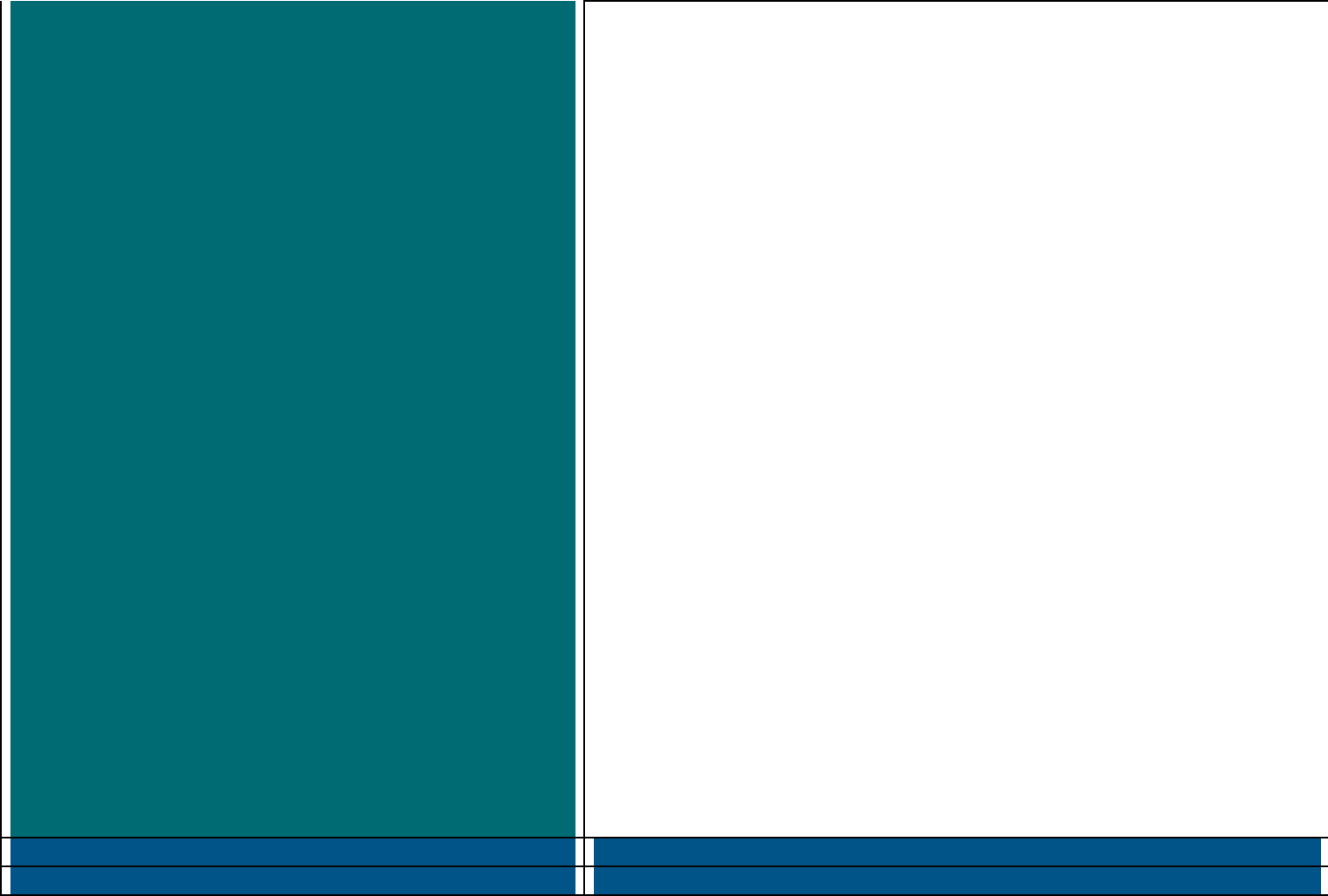
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