



ADA Twenty Years From Now

As we celebrate the twentieth anniversary of the signing of the ADA, we thought we'd ask individuals who were adults at the time of the signing and are still involved with disability issues to look ahead twenty years and share with us their vision of the future.

"When it comes to the future, there are three kinds of people: those who let it happen, those who make it happen, and those who wonder what happened."

-- John M. Richardson, Jr.

The process was simple enough. NW ADA Center sent questions to a number of individuals, most of whom had connections to this region of the country, asking for their thoughts about how things might change for people with disabilities over the next twenty years. We asked for their personal opinions, which of course do not represent the policy of the organizations for which they work.

Several themes emerged. We need to **create livable cities** that allow individuals to have access to necessary services. Perhaps it seems like only an urban problem, but one of our respondents quoted a taxi driver in Fairbanks whose mother was struggling with access. Several respondents felt that **employment was a key issue** whose resolution was as much a systems problem as it was attitudinal. Some felt that technology **would level the playing field** in employment and in creating social networks. **Political influence** was likely to increase as politicians realized the vast number of voters who have a disability.

The responses were striking in two aspects. First, only one person mentioned the thousands of veterans who are returning from Iraq and Afghanistan with disabilities. Given the significant affect the Vietnam vets had on the disability world, and how their influence contributed to the civil rights movement from which the ADA grew, the paucity of comments about their role in our collective future seemed like a significant oversight. Second, the mostly hopeful comments seemed to reflect a vision for a future of incremental changes, broadly focused, rather than a common agenda that focused on civil rights as was the case twenty years ago.

Nevertheless, a number of provocative ideas surfaced: perhaps it is time to rethink whether we still want the distinction of “being disabled”, perhaps it is time to integrate the armed services, perhaps time to develop a Project Civic Access-like approach for Title III (businesses), and many thought it was about time to watch the baby boomers become advocates.

Rich Sanders, working with the Governor’s Committee on Disabilities in Alaska, summed up where we are today the best. *“We are,”* he writes, *“in a transition period from a society (Post World War II to 2000) that put individuals with the highest athletic, intellectual and cosmetic attributes at the ‘top of the heap’ to one that places more value on individual motivation, talents, innovation and ‘ability to get things done!’*

“In this scenario, it opens doors for individuals of all types. There will always be many that value the old set based on their upbringing and what the mainstream media keeps making money on (physical attributes) but as more and more individuals with the entire gamut of physical and mental attributes succeed and continue to infuse the mainstream jobs, media, etc., and greater understanding of disabilities through continued education (we can never stop teaching), the ‘distances’ will be reduced and in many cases eliminated.”

Participant comments appear with the questions they sought to answer, and are edited for length but hopefully not intent. The individual’s affiliation and location accompany the first time they are quoted.

What will people with disabilities be able to do in 20 years that they can’t do now? Will they think about themselves differently?

Rich Sanders, Program Coordinator for the Governor’s Council on Disability & Special Education in Anchorage, offered a provocative question: must individuals with disabilities continue 20 years from now to press for the distinction of being “disabled”? He writes, *“It is my hope that someday, the word “disability” will not be used to describe anyone in any way. Unfortunately, the very language that helped people with disabilities achieve so much in terms of legislation, access, opportunity and technology is the same language that keeps them set apart from the general population. For instance, why does there have to be a Vocational Rehabilitation program that only serves people “with disabilities.” I believe every living person will need “vocational rehabilitation” of some form in their lives. We just need to ensure that employment and training systems that are developed in such a way as to allow full access to all people.”*

Kelly Buckland, Executive Director of the National Council of Independent Living, Washington, DC kept his vision simple and direct. He says, *“I hope they can board an airplane without surrendering their wheelchair. Work. Have a family without fear of losing their children.”* We’ll return to Kelly’s thoughts about families later.

Brian T. McMahon, Professor, Virginia Commonwealth University, Richmond, VA, wants to see the military integrated. He writes, *“I believe that by 2030 we will have conclusively demonstrated the valuable contributions of Americans with disabilities as safe and productive workers.....so much so that they will be the final group of citizens to be allowed to “serve openly” in the active U.S. military, with accommodations as required. This will provide yet one more avenue away from poverty and toward full inclusion in the benefits and privileges and responsibilities of full citizenship.”*

Brent Herrmann, CEO, Epilepsy Foundation Northwest, Seattle, sees technological advances offering a degree of freedom for many individuals with disabilities that will open opportunities across their lives. He writes, *“I think advancements in technology will make it easier for people with disabilities to communicate more*

effectively with their health care providers, family and friends, employers and so on. Advancements in technology will make it easier for people with disabilities to move around in society where limitations may have been in the past. A company in Seattle, for example, is developing a pager-like device to be worn on a belt or somewhere on person that will predict when a person is about have a seizure so that they can pull their car over to the side of the road, or sit down on a park bench, or move to a safe place.”

Lynnae Ruttledge, Commissioner of the Rehabilitation Services Administration, Washington, DC, suggests that “The workforce in 2020 finally reflects the talents, skills, abilities and creativity of individuals with disabilities serving in key roles at every level in public, private and non-profit businesses: including entry, paraprofessional, technical and professional positions. Individuals with disabilities are recognized for making substantial contributions as workers, managers, supervisors and leaders. We are members and leaders in labor unions, in management roles and on boards of directors. We continue to strengthen America's competitiveness in the global economy.”

Ray Petty, Region VII DBTAC – Kansas Coordinator, Lawrence, KS, writes, “For many individuals there isn’t much that can’t be done now. For others, it seems, there will always be a struggle. The best outcome I can imagine is one where People with Disabilities collectively and individually strive to improve themselves and their environments so that opportunities that weren’t imaginable 20 years previously continue to become realities in the future. To borrow from the Grateful Dead: “Lately it occurs to me: What a long, strange trip it's been.” I suspect this trip will continue for years to come.”

Some say that the fight to create the ADA a quarter century ago brought people with disabilities together, but now they tend to go their separate ways. Do you agree? What’s ahead for the disability movement?

Jim Beck, Executive Director, Access Alaska, Anchorage, remembered the long fought struggle that resulted in the passage of the ADA, and wondered what forces might bring people together. He was the only person to mention veterans.

“I still think,” Jim says, “of the passage of the ADA as part of the Civil Rights Movement that started in the 60’s with the passage of the Architectural Barriers Act in 1968, the Rehab Act in ’73, and the years long fight to get the ADA passed (remember that it didn’t pass in 1988?). In many ways it was a 25-year long movement that resulted in the ADA. We still have some strong pockets like ADAPT.” He pauses, “Will something create another issue that will bring people together? The vets from Iraq and Afghanistan may push the disability community in their own directions.”

Kelly Buckland’s perspective is that, “there has always been a split going on, and it’s getting worse. Groups have a focus only on their disability, feeling that their situation warrants more attention. We miss Justin Dart, who brought people together to get the passage of the ADA.

“The ADA was so important that people put aside their turf issues . . . and its common issues that bring people together. Perhaps in the future it will be transportation or parental rights that will have the power to draw people together again.”

Windy Melgaard, Disability Program Navigator, Idaho Falls, offers the analogy of other minority groups in America and their adsorption into society's mainstream. She writes, *"At one time woman, people of color and others where all viewed as unequal.... Look at society today, most people are now accepted and able to work, have political views that are respected and are no longer told where they can go. . . . People with disabilities need to be able to work, be in public places with accessible sidewalks, parking lots and public buildings. They will need to stand up and be heard as well. You are right, they are not as joined together as they once were. I hope they can come together and get their "voice" back."*

Brent Herrmann suggests that there is a changing of the guard, with the old retiring and the young beginning to take their up role as advocates. *"With any good social advancement, some of those in the "fight" may now need a break. So, there does need to be a new generation that comes forward to advocate for causes and movements that are now more current than the past."*

Ray Petty, Region VII DBTAC – Kansas Coordinator, Lawrence, KS didn't agree at all with the assumption of splintering. *"I see so many more connections and mutual understanding," Petty writes, "between People with Disabilities now than existed 20 and 30 years ago that I fail to see how such an observation holds much credence. There is always a need to (if I may borrow a Sarah Palin term) "reload" -- with young advocates replacing those who want to retire, so to speak. I hope that the range of issues tackled by independent living centers and other advocacy entities continues to expand beyond basic necessities like cash benefits, housing, and transportation to include education, employment, and ENJOYMENT! "*

Rich Sanders offered a new perspective. *"That's an interesting concept and one that I had not considered. I do believe that there will always be a need for a strong representation but I also know of some of the "splintering" amongst disability groups (i.e., blind, visually impaired, deaf, mobility, etc.) because sometimes their goals aren't always congruent. I would like to see more of a focus on the "human movement" as opposed to the "disability movement" because the latter tends to perpetuate the notion that people with disabilities are separated from the general population and are somehow not "whole" or have no chance of achieving things that a person that the majority does not consider having a disability would."*

Will we see more people with disabilities in politics in the next two decades? Will politicians work harder to earn the vote of people with disabilities?

Our respondents were split on whether changes will be significant or incremental, but there was an agreement that the political influence of people with disabilities would likely grow over the next twenty years.

"You'll see both," says Kelly Buckland, "more politicians with obvious disabilities and politicians seeking the vote of people with disabilities – as a result of aging baby boomers and the medical advances that have allowed babies to survive and the elderly to function. The increase in the number of people who have a disability will result in gaining more political capital and influence.

"I ran for the Idaho state Senate in '92 and '94. Did the fact that I have a disability matter? Absolutely! People looked at me differently. I'd like to think that is had as much of a positive influence as a negative. A lot of the public had known me as a disability advocate, so naturally they assumed I could only be smart in disability issues. Going door to door was tough."

Jim Beck is more cautious. *"I would think so. Look at the politicians who have obvious disabilities." The influence of people with disabilities will grow, but it's all a game of incrementalism,"* he says. *"There are lots of folks with disabilities but they are diverse on many issues except diversity issues. Don't expect a block vote for one party and one candidate."*

"If we work harder at showing our vote counts the politicians will pay attention to us," writes **Bobby Ball, ADA Task Force, Boise**. *"In Idaho we have a collaborating group that consists of nearly every disability related organization and service providers. I believe our legislators know we matter because of the work of the Consortium of Idahoans with Disabilities."*

Rich Sanders believes that the number of voters with disabilities will have its effect. *"I certainly believe that over time, we will see more people with visible and "hidden" disabilities involved in politics as awareness and understanding of disabilities grows in society and that when politicians see the percentage of voters with disabilities and data that reflects they are voting, they will respond accordingly. Data drives action and funding in these times."*

"Although the pace of change often seems slow," writes **Brent Herrimann**, *"people with disabilities are making gains in rights and representation. It will take the continued hard work of people with disabilities and related organizations to keep politicians working harder to earn our vote, however."*

Not all of the respondents agreed with the assumption that the community of people with disabilities would gain political influence over the next twenty years. **Ray Petty** offered this observation: *"I seriously doubt [that we'll see more influence]. The monied interests that control national politics aren't likely to back candidates with civil rights agendas. Of course, not all People with Disabilities are part of the Disability Rights and Independent Living Movement(s). With an aging population it may be that we see more people with invisible disabilities in politics, but they will most likely have been able-bodied throughout most of their lives. And so it goes! However, local politics may be the place where progress can be made. Remember what House Speaker Tip O'Neill said: "All politics is local!"*

High unemployment for people with disabilities has not changed much in the last 20 years. What needs to change for it to improve in the next 20? Do you think it will change?

"I'm worried it is not going to change," says **Jim Beck**. *"We're working on the wrong end of the problem. Civil Rights are not the only place. We still have a segregated educational system – kids graduate without hope and they're not yet a part of the fabric of their community. We have a terrible job of getting expectations set for employment. Here in Anchorage we have worked on that by arranging for peer support from adults with disabilities and from one another and actual paid employment for students."*

"We're missing the boat, look also at the Social Security system and health care. Both are almost a disincentive system for people with disabilities; they are not employment friendly. So people stay unemployed. To be progressive we need to create a social insurance system to help make a conceptual change."

"This is one of the key issues we need to solve."

Kelly Buckland agrees, noting that *“Very fundamental things need to change. We pay people not to work, but we should provide the supports they need to work. I’ve heard that if we continued to pay benefits like Social Security even after someone became employed that it would cost less than the system we have now since working people pay taxes. Currently very few people leave the Social Security system once they begin receiving benefits. People are forced now to prove that they are unable to work, and to get expert medical confirmation. Society needs to recognize the talents of people and what they can contribute.”*

Andrea Olson, advocate, Portland, writes, *“Attitudes, not disabilities, are still the major barrier to employment. Managers/supervisors are still uneducated when it comes to understanding the dynamics for working with people with disabilities. There is almost a complex cultural issue involved. Just as a manager/supervisor may need to be flexible when working with an individual from a different culture, a similar degree of flexibility should be considered when working with a person with a disability. All of the hiring initiatives for hiring PWD will flop if a bunch of managers/supervisors don’t have basic awareness about PWD.*

“Over time, the baby boomers developing disabilities will impact society’s view of people with disabilities Baby boomers will more likely request reasonable accommodations to stay on the job as long as possible and will also demand a society that is more inclusive. Since baby boomers are known to be an outspoken group, it will be interesting to see how things change when they run into the societal barriers that people with disabilities have been facing for years. For example, over the next 20 years, I envision a longer time allowance for people to cross a street.

“In the short term, however, those people with disabilities who have grown up with disabilities will continue to struggle with high unemployment. The 70% underemployment/unemployment rate for people with disabilities is alarming. Given that information, one may determine that the majority of folks in society have low expectations for career ambitions of those people with disabilities. For people with disabilities, they need to have the ability to see beyond the societal “norm” and to figure out a strategy for being a part of the 30% statistic. I know that in my 45 years living with a disability, I have had to figure out how to present myself as a qualified and desirable employee, and in a way, accommodate society. It has been my responsibility to put people without disabilities at ease.”

Rich Sanders and **Brent Herrmann** look at technology as part of the answer to changing the unacceptably high level of unemployment. **Rich Sanders** writes, *“One of the biggest changes that has happened is the age of computers and data technology. We didn’t even use cell phones for data transfer until just very recently and products like the portable and powerful IPAD weren’t around. People that needed to go into offices to do their work no longer need to. That being said, we don’t want to see people limited to working at home as there is incredible value in the human interactive experience in the same physical setting. Which brings to the table the focus on transportation of all individuals to be one of my top three priorities.*

*“Technologies that allow people with disabilities that had significant barriers to handling of information (the top employment need) will now be able to compete with those that do not consider themselves as having a disability. The real key is ensuring that the **technology developers** have people with significant communication, mobility and sensory disabilities in mind when they make their products. This in turn will allow companies to integrate people with disabilities much easier. Much needs to be done on education and **policy around technology development** to ensure a level playing field. I think this will happen.”*

Brent Herrmann adds, *“An increase in new technologies that allows people with disabilities to experience a level playing field with others who don’t have disabilities will be critical. As attitudes change and opportunities are made available, a supportive physical work environment is equal to ensuring stability. Increasing communication abilities and funding for telecommuting jobs to support in-home work programs that may be more suitable for some living with disabilities will only help some be viewed as productive employees that may have not in the past.*

“The future will only present expansion of social networking opportunities for people with disabilities that will help alleviate feeling disconnected. Group interaction capabilities are now available via the web where before were only available at a physical location. The opportunity for people to connect via the web and then possibly in person can make the process easier and less threatening for people with disabilities.”

How do you think cities will change in the next twenty years for people with disabilities? What will stay the same?

Jim Beck feels strongly about their future. *“Cities really need to change, some drastically. I think long term care needs might drive cities to make those changes, as citizens age and continue to expect a good quality of life. People end up needing to live close to medical services, grocery stores, and so on. They need small, walkable neighborhoods – and expecting that in 20 years is optimistic.*

“ In Anchorage and Fairbanks the growth has spread the city all over the area; I talked to a cab driver in Fairbanks and his mother cannot live independently there anymore because she can no longer get to the doctor, the grocery and drug stores, and so forth, on her own. Cities need redesigning. . . . Roles need to change to a more integrated approach to create affordable and humane neighborhoods. At the same time, we don’t want to see little fake villages owned by large extended care corporations.

“ Change relates to the question about government’s role in disability issues. Perhaps there should be a focus on the regulation of growth.”

Kelly Buckland agrees. *“We need livable communities. But in 20 years? I’m not so sure about that. Housing is the issue – affordable, accessible housing. Moving to DC, it was terribly hard to find a place to live [Kelly uses a wheelchair]. Most of the homes were built years ago and weren’t accessible. And I saw the same thing happening in Boise in recent years; creating “density” meant building up. We approached builders and public officials to encourage one story homes with entryways that had no stairs. They had a hard time conceiving of the idea. It’s a frame of mind, universal design.”*

Bobby Ball sees change coming through the application of codes like the IBC. *“Building codes are the way to make access change. If your state uses the latest in building codes and if there is a way to make changes to that code you can get 100% (or more) of new construction complying with at least the minimum requirements. In Idaho we have a State Building Code Board who can amend code so if there is something you want to add to your code you can, such as opening force of an exterior door.*

“What will stay the same is if cities don’t understand they need an ADA Coordinator, to perform self-evaluations, to make sure their programs and services are accessible, and review their transition plans to make sure facilities are accessible, including curb cuts.”

Rich Sanders thinks the Boomers will push accessibility in the cities. He writes, *“Every year I see more and more city services, facilities and technologies designed to be more ‘user friendly’ to the general population and in turn, people with disabilities. This year I’ve seen the old street crossing signals go from a flashing walker to one with seconds that count down as well. Though the probable design was to reduce red light running, it also provides a wonderful planning mechanism for people with mobility disabilities that cross the street.*

*“As the population ages with baby boomers, we may see some of the most significant changes in history simply because the representatives in Washington and in government will either have disabilities or be around more people with age-related disabilities, which in turn will have an impact on the way they develop and shape policies and programs. In terms of what will stay the same, I think that fiscal conservatism will continue yet this philosophy should never be used as a basis not to fund accessibility simply because it would save money. **Laws need to be strengthened to ensure this does not occur.**”*

Brent Herrmann looked at improvements for citizens as existing programs are extended and people with disabilities “folded in”. He writes, *“It’s hard to tell right now given the nature of our economy and the cutback in service-related programs. The need for providing programs and services to the disability community will always be available through local, state and federal government programs. The extent to which they will be made available is certainly up for debate. A future of streamlining how programs and services are offered seems to be a topic of conversation. For example, increased tele-health medicine programs especially for states with large rural areas are being seen today. It may be that additional programs and services such as those for people with disabilities get folded into this type of system that may bring more services to people with disabilities especially those in rural areas.”*

Ray Petty sees the ADA continuing to impact local government. *“I think the ADA has had its greatest impact on state and local governments (Title II entities). Reviews of progress - or lack of it - by enforcement agencies should continue to the point where even the smallest municipalities will be expected to review their facilities, programs and policies and revamp them where discriminatory barriers exist.*

“There won’t be an ‘ADA Army’ other than the hopefully expanding network of people within and without government who understand that business as usual doesn’t serve all citizens fairly. A continuing effort to enhance public awareness and educate decision-makers will be needed.”

If you could magically create a new law that would benefit people with disabilities in the future, what would it be? Also, do you see the financial and regulatory roles of local, state, and/or federal government changing in 20 years? In what way?

Kelly Buckland has a specific suggestion that he’s planning to pursue. *“I’ll work at the national level to create laws protecting parents with disabilities. They should not have to worry about losing their children, especially in the case of a divorce and custody hearings that focus on the issue of disability.”*

Ray Petty has a novel suggestion: *“At some point, you realize that new laws aren’t necessarily needed. If all our governments were complying the way those in the Project Civic Access program at DOJ are ostensibly compelled to do, the USA would be much more accessible and disability-friendly. I suspect businesses are less likely than governments to have paid attention to the ADA, so a parallel initiative to review and compel compliance under Title III might be in order.”*

Rich Sanders writes, *“Early intervention services available for everyone from birth to age 5. Secondly, change Vocational Rehabilitation and other employment systems to reward counselors and staff for services that help people KEEP jobs as opposed to services centered only around GETTING jobs.”*

Brent Herrmann offers these suggestions. *“That insurance companies cannot change funding of medications and pharmacies cannot change actual medication from brand to generic or generic to generic based on cost analysis but based only on doctor and patient approval.*

“That federal funds be made available for schools to have full time school nurses on site during school. Given the lack of a full-time school nurse in each school, that administration of potentially life-saving medication, like Diastat, within the school setting be allowed by trained school professionals without possibility of recourse and with pre-planned permission of parents and physicians.”

Bobby Ball wants *“Housing that is affordable and truly accessible; homes that are built with at least one level entrance and a bathroom that you can get in (and out). But mostly I wish I could write a law that removed myths and stereotypes. I want to be thought of as just another member of society, not ‘different’ or ‘handicapped’ or ‘disabled’. I’m a person first and am not defined by my disability.”*

Well, that’s our look at the future. We’ll conclude with some parting comments by **Rich Sanders**. *“The term “disabilities” needs to be less emphasized and more needs to be done to ensure that society meets the language of our forefathers...”We hold these truths to be self-evident, that **all men (people) are created equal, that they are endowed** by their Creator **with certain unalienable rights**, that among these are **life, liberty and the pursuit of happiness.**”* They had it right then. All we need to do is teach every person on and coming into this earth that it still holds true today for **everyone.**”



Join the 2010 by 2010 Campaign!

*The national **2010 by 2010 Campaign's** goal is to collect 2010 Proclamations of Recommitment to the mission of the ADA by July 26, 2010 - the 20th anniversary of the ADA. Join us and become part of a nation-wide effort to renew a commitment to the vision and spirit of the Americans with Disabilities Act - full inclusion of people with disabilities into American life!*

Easy Ways to Submit Your Proclamation:

1. Simply complete the form found at www.2010anniversary.org to indicate you want to join the list of entities on the website.
2. Print a copy of the proclamation, fill in the blanks, and FAX to: 573-884-4925.
3. E-mail a copy of the proclamation or your own version of a proclamation to: edwardsmic@missouri.edu.
4. Proclamations may also be mailed to: 2010 by 2010 Campaign, 100 Corporate Lake Drive, Columbia, MO 65203.

Go to www.2010anniversary.org to see the already impressive list of proclamations from across the country and add your organization to the list!

20th Anniversary Celebrations Near You!

Alaska

ANCHORAGE:

Tom Olin Photo Exhibit. A pictorial history of the civil rights struggle for people with disabilities. Tom Olin, a social documentarian and photojournalist, has captured a pictorial history of the disability rights movement in America for the last twenty-five years. Showing July 14th - August 15th with a special reception on July 16th

from 5pm - 7pm at the Out North Gallery, 3800 Debarr Road. Contact Alba Diaz for more information at 907-263-1936 / TTY 907-248-8799.

20th Anniversary Celebration with Amy Roloff. Mark your calendars for the evening of September 15th for a 20th Anniversary Celebration event with Amy Roloff at the UAA Wendy Williamson Auditorium. Amy and the Roloff family are featured in *Little People, Big World*, a reality television series that airs on TLC. The series follows the six-member Roloff family farm near Portland, Oregon. Many of the episodes focus on the parents, Matt and Amy, and one of their sons, Zach, who all have dwarfism. There will be food, a video presentation, and the Disability History Exhibit on display. When more specific details are available they will be posted at www.accessalaska.org. Contact David Barton for more information on Anchorage events at 888-462-1444.

FAIRBANKS:

Celebrate the 20th Anniversary at Access Alaska's Annual Potluck Luau! - July 22, 4:30-7:30pm at Chena Wayside Park, 221 University Avenue. There will be music, fun and food! Call 907-479-7940 if you need transportation, information or assistance.

SOLDOTNA:

Trails Block Party/ADA Birthday Bash – Celebrate the 20th anniversary of the ADA here at the ILC parking lot. We will be having a hotdog roast and cake to celebrate such a monumental ACT. A community that excludes even one of its members is no community at all. Contact Jennifer Brown, Soldotna Site Manager, Independent Living Center, 907-262-6333.

SEWARD:

20 Years of the ADA! Bon Fire Grill Out on July 26th from 4:40-7:00 pm at First Lake. Join TRAILS and celebrate the 20th Anniversary of the Americans with Disabilities Act. This is a monumental event to celebrate and we welcome the whole community. We'll enjoy hamburgers, hot dogs, cake and camaraderie. Join in and enter a drawing to win great prizes! TRAILS will provide meat to grill; please bring a dish to share with the group. We hope to see you there to share in the excitement and celebration! Contact Emily Gustafson, Independent Living Center, ILC-TRAILS Program, 907-224-8711, sewardtrails@peninsulailc.org.

Idaho

BOISE:

Join **Hands Around the Capitol** on July 26, 2010. Five hundred people are needed to circle the Capitol! There will be music from the Barefoot Cowboy, Rebecca Scott and other local musicians, food, crafts and information booths. The event will take place at Capitol City Park from 11am-6pm. Sponsors and volunteers are needed as well as nominations for the awards ceremony. CONTACT: Bobby or Tiffany at the ADA Task Force at 208-344-5590 or bball@adataskforce.org or Dana Gover Access Concepts and Training, Inc. at 208-761-3073.

IDAHO FALLS:

On July 26th, the Mayor of Idaho Falls has planned a proclamation signing that will take place in the morning. Lunch will be catered at the accessible playground in Taughaus Park. Enjoy music and an awards ceremony. Contact Dean Nielson at dean@idlife.org.

POCATELLO:

On Tuesday, July 27th, the Mayor will sign a proclamation in recognition of the ADA, followed by a celebration march starting at City Hall and ending at a community park for a barbeque. There will be music throughout the day and a Keno Award will be presented. Contact Dean Nielson at dean@idlife.org.

For more information on Idaho ADA celebration events contact the ADA Task Force at 208-344-5590 or bball@adataskforce.org or contact Dana Gover at Access Concepts & Training at 208-761-3073 or gforitdhg@msn.com. You can also join the community on the Facebook page for ADA Task Force 20th Anniversary Celebration Hands Around the Capitol.

Oregon

EUGENE:

A celebration will take place at the Hilyard Community Center from 1 – 4pm on July 26th. Refreshments will be provided and a number of dignitaries, including the Mayor, will be present. Parking is free at the Center (2580 Hilyard Street). Contact Dawn Helwig for more information at 541-607-7020 or 866-790-8686.

The 20th Anniversary of the ADA was the focus of this year's Disability Mega Conference held June 3-5, 2010 at the Hilton Eugene and Conference Center. The Mega Conference is a 3-day, cross-disability conference uniting people with disabilities, their families, community organizations and service providers to share information and encourage a statewide dialogue on collective issues.

PORTLAND:

There will be a 20th Anniversary Celebration and Resource Fair at Portland State University at 11am – 2pm in Hoffman Hall. Elected officials, community and business leaders will be speaking and free food will be provided. If you would like to request auxiliary aids or services please call Nickole Cheron at 503-823-9970 or TTY 503-823-6868.

SALEM:

In celebration of the ADA's 20th Anniversary, the Oregon Department of Transportation's Diversity Council is coordinating a special event on the steps of the Capitol in Salem on July 26 from 11:30 a.m. – 1:30 p.m. The informal gathering will feature guest speakers, a reading of the Governor's proclamation, a celebratory cake, and several information booths and demonstrations, including a Cherriots wheelchair-accessible bus representing the tremendous strides in accessibility brought on in part by the ADA. Everyone is invited to this free event. For information contact Shelley M. Snow at 503-986-3438.

BEND:

Join the celebration at City Hall from 12 – 4pm where there will be food, music, information tables, children's reading hour and ongoing educational presentations from local organizations. Contact Susan Duncan at 541-693-2141.

Washington

The Northwest ADA Center is partnering with several state organizations to launch the *I Support the 20th* campaign beginning July 26th and lasting until the end of the year. Get your campaign button to show your support! Contact Miranda at levym@u.washington.edu for your free button! Stay tuned for how to get

involved in future Seattle and statewide events by visiting www.dbtacnorthwest.org.

SEATTLE:

Celebrate the 20th Anniversary of the ADA at the Woodland Park Zoo! 10am-2pm. Come together with people with disabilities and disability organizations from around the Puget Sound to celebrate the 20th Anniversary of the ADA. The celebration features speakers, entertainment, award recognition, youth scholarship, resources, information booths and a birthday cake especially for the ADA. The event will be in the North Meadow of the Zoo. Please Note: the North Entrance is now closed. You may still park in the parking lot at Evanston Ave. and N. 59th Street and use the new walkway to the West Entrance.

A limited number of free tickets will be available on a first come, first serve basis. Tickets will also gain admission to the Zoo. Tickets are \$4.50 if you have a FLASH card. FLASH cards are issued by the City of Seattle to residents who have a disability or are elderly. If you do not have a FLASH card or are not eligible, the cost is \$12. Without registration, the cost is \$16. The Zoo is located in the Phinney Ridge neighborhood and is served by several bus lines. Carpooling is encouraged; parking is \$5 at the Zoo for all vehicles.

RSVP: Please contact the Alliance of People with disAbilities to let us know you are attending. You may call us at 206-545-7055, TTY: 206-632-3456 or events@disabilitypride.org or at our Facebook page!

LAKESWOOD:

The Center for Independence is hosting a picnic from 12 – 4pm. To RSVP and get event location and details, contact 253-582-1253 or 253-584-9374 (TTY) or connect@centerforindependence.org

SPOKANE/COEUR D'ALENE:

On Monday, July 26th, at Mirabeau Park in the City of Spokane Valley, the colorful ADA - Gateway to Freedom celebration will take place with speakers, live music, games, raffles and art displays starting at 10:30 am. Lunch will be provided along with a free raffle of a mural by a local artist that will be painted on location at the event and given away at the close of the event at 1pm. Prior to the celebration, a media event with Mayor Sandi Bloem at 9:15 am at Coeur d'Alene City Hall is planned in the hope of organizing a hands around the capital with local citizens. After the celebration, about 4:00 p.m., the event will be moving to the Federal Courthouse in downtown Spokane for a thank-you action. These events are being sponsored by Disability Action Center-NW, Inc. (DAC) and Coalition of Responsible Disabled (CORD).



Just Ask Barney

Effective Communication and Medical Offices

For individuals who are deaf or hard of hearing, and for the small dental and medical offices that serve them, effective communication can be problematic. Should an interpreter be hired for routine procedures? What if the patient doesn't show as scheduled, twice in a row, without calling? Read what Barney has to say...

The problem

Imagine making an appointment to deal with a vexing medical problem at your local clinic and finding that the doctor and everyone else in the clinic only spoke Greek. Even if the physician offered the very finest medical services and treatment, would the lack of communication be concerning? For individuals who are deaf or hard of hearing, part of being an informed patient and making good health choices depends on understanding complex issues.

On the other side, imagine running a small business and being legally required to hire a temporary employee to assist your regular staff to serve a customer whose purchases will not cover the cost of the temp. And the legal requirement is not altered if the customer decides he doesn't like your offerings, or forgets to cancel the appointment and doesn't show up. The effort required to provide the accommodation can seem disproportionate to the business generated, and the legal requirement may seem especially onerous.

The rights, obligations, and responsibilities for effective communication under Title III of the ADA generate a lot of questions and not a little anger among the callers for technical assistance at NW ADA Center. What exactly are the options?

The question

A representative from a physician's office called with a question about paying the cost of an interpreter for a

patient who is deaf. This new patient made an appointment for a routine physical exam. In addition to the normal communication required as part of a physical exam, this is a new patient, so it would be necessary to gather a substantial amount of medical history during this first visit. The physician's office made arrangement for an interpreter. The patient did not show up for the appointment and a fee was paid by the physician for the interpreter. The patient called a week later wishing to reschedule their appointment. Can a physician require that the patient agree to pay a cancellation fee to cover interpreter services if they do not show up for their appointment or if they cancel after the physician becomes financially liable for the service?

Our answer

The requirement: On the face of it, the obligation under Title III of the ADA is straightforward. Businesses like doctors' and dentists' offices fall under one of the 12 categories of public accommodations covered by the title, specifically: 6) **Service establishments** (e.g. , laundromats, dry-cleaners, banks, barber shops, beauty shops, travel services, shoe repair services, funeral parlors, gas stations, offices of accountants or lawyers, pharmacies, insurance offices, **professional offices of health care providers**, hospitals)

These public accommodations are required to provide what the ADA terms "auxiliary aids and services" which are necessary to ensure equal access to services by individuals with a disability. Auxiliary aids and services address the needs of individuals whose disability impacts their communication, such as those who are blind, deaf, or have speech impairments. The obligation to provide auxiliary services is a requirement unless it poses an "undue burden" on the business or a "fundamental alteration" would result. We'll get back to those terms a little later. Still, the requirement is broad and not closely defined. What are the options?

Does the requirement for auxiliary aids and services mean that an ASL interpreter must always be hired, or is it more complicated than that?

No, and yes. It's important to remember that all people with disabilities are not peas in a pod, that is, they have different needs in the area of communication. Solutions need to be tailored to the individual, and it's not a good idea to make too many assumptions. In fact, for a doctor's office the first step might well be having a discussion via email with the prospective patient to clarify what works and what doesn't. Just as important as tailoring the means of communication to the user, we must remember that the type of auxiliary aid or service necessary needed to ensure effective communication will also vary in accordance with the length and complexity of the communication involved. This factor is critically important in medical settings where the length, complexity, and importance of the communication can vary markedly for an individual patient depending on the clinical situation in which they are involved. For example, for a patient who is deaf, written notes may suffice in some simple situations like a routine visit for a blood pressure reading or a vaccination. However, many clinical situations are more complex and an interpreter is more likely to be required for effectiveness and accuracy of doctor-patient communication. For example, discussion of a patient's options for treatment of a serious medical condition would almost certainly call for use of an interpreter.

Who decides what type of auxiliary aid should be provided?

If possible, the health care provider should consult with the patient with hearing loss to determine what type of auxiliary aid is needed. In many cases, more than one type of auxiliary aid or service may make effective communication possible. While consultation is desirable, the ultimate decision as to what measures to take to

ensure effective communication rests in the hands of the health care provider. The method chosen must result in effective communication. Let's say that a patient who is deaf brings their own sign language interpreter for an office visit without prior consultation and bills the physician for the cost of the interpreter. The physician is not obligated to comply with the unilateral determination by the patient that an interpreter is necessary. The physician must be given an opportunity to consult with the patient and make an independent assessment of what type of auxiliary aid, if any, is necessary. If the patient believes that the physician's decision would not result in effective communication, then the patient may challenge that decision by initiating litigation or filing a complaint with the Department of Justice.

Who pays for the interpreter, or other appropriate auxiliary aid or service?

The ADA explicitly states that the health care provider cannot charge a patient for the costs of providing an auxiliary aid or service. In most cases, the cost of the interpreter would exceed the charge for a routine office visit. The health care provider must treat this type of expense as another type of overhead expense required for operating a practice. One form of monetary relief is the Disabled Access Credit which provides a federal tax credit for eligible small businesses that incur expenditures for the purpose of providing access to persons with disabilities. This includes the removal of communication barriers, and may be used to cover the costs of providing auxiliary aids and services such as interpreters.

What if the patient does not show up for their appointment and does not call to cancel it?

In situations when the patient is a "no show" and arrangements were made for an interpreter, the health care provider is still obligated to pay for the interpreter. Events may arise that are beyond any patient's control, such as an illness or business emergencies. Imposing the costs of interpreter services in the event of cancellation under such circumstances places a patient who needs an interpreter at a distinct disadvantage. However, the ADA would not prohibit the health care provider from charging a standard cancellation fee for missed appointments provided that the policy of charging cancellation fees is applied uniformly to all their patients. Often times, a medical office may place a "reminder" phone call a day or two prior to an appointment. Although patients who are deaf can request that relay operators retrieve messages from their voice answering machines or voicemail, this is an optional service so it would be best to transmit the appointment reminder via email or by postcard.

Under what circumstances can a health care provider refuse to pay for an interpreter, or other auxiliary aid or service?

A health care provider is not required to provide an auxiliary aid or service that would result in an undue burden. The term "undue burden" means "significant difficulty or expense". Undue burden is determined on a case-by-case basis in light of factors such as the nature and cost of the aid or service, and the overall financial resources of the practice. In determining whether the provision of an interpreter would result in an undue burden, the health care provider should consider not only the fees paid for providing the medical service or procedure, but also the overall financial resources of the practice. Again, the health care provider should consider other factors that would minimize the degree of burden on the practice, such as the ability to spread costs throughout the general patient population and the provision of tax credits for costs of providing auxiliary aids and services.

What are some of the new options now available for providing interpreter services?

A new option for providing in-office interpreter services is “video remote interpreting (VRI)”. With VRI the interpreter is not physically present in the office but provides interpreting services using video conferencing technology. This equipment can be a computer with a web camera and microphone/headset or possibly a videophone. The interpreter listens to the health care provider via a headset and the patient and interpreter can see each other on the screen. Advantages of VRI are that it can often be accessed immediately eliminating last-minute fees, minimum time fees can be lower than for regular interpreting, and there may not be a fee for travel.

What should I do in my practice to ensure that we comply with the ADA?

Health care providers and their patients would both benefit from a clear “Effective Communication Policy” for the practice. This policy would notify patients who are deaf or hard of hearing that the practice will, free-of-charge, arrange for appropriate auxiliary aids and services, including interpreters, needed for effective communication at all appointments or when requested by the patient. The policy would also state that the determination of which appropriate auxiliary aids and services are necessary will be made by the practice in consultation with the patient where possible. The assessment will take into account all relevant facts and circumstances, including the nature, length and importance of the communication at issue and the patient’s communication skills and knowledge. The policy may also state that the request be made at the time an appointment is scheduled. A “Communication Assessment Form” could be developed to facilitate the provision of the needed auxiliary aids and services.

The take home message

Effective communication between the health care provider and the patient is crucial to the delivery of safe and effective health care, and, for patients with hearing loss, this may require that the health care professional provide appropriate aids and services, including interpreters. These auxiliary aids and services must be provided to ensure that communication with patients with hearing loss is as effective as communication with others.

Resources

Video Remote Interpreting Services (examples)

Sign On - <http://signonasl.com/home.html>

Pine Tree - http://www.pinetreesociety.org/interpreting_vri.asp

Example DOJ settlement with a dental office - <http://www.ada.gov/moddentpro.htm>

Legal review of effective communication obligations -

<http://www.gpmlaw.com/uploadedFiles/Resources/Articles/Providing-for-the-deaf-hard-of-hearing-under-the-ADA.pdf>

Contractors providing ASL Service in Washington State- <http://www.dshs.wa.gov/hrsa/odhh/interpcon.shtml>