

Taken to Access

Volume 3, Issue 11 * November 3, 2014

Question of the month:

Q. Are floor clearances required to be perfectly centered on the element for which they're provided? Can a lavatory floor clearance be off-center by two inches to accommodate a semi-recessed paper towel dispenser located adjacent to the lavatory?

R. When reviewing CBC section 11B-305, one cannot find a general statement that would indicate that floor clearances must always be centered on the specific element. Therefore, to know the exact floor clearance requirement at an element, one must look under that specific section. Section 11B-606.2 does **not** indicate that the floor clearance must be centered at a lavatory. In contrast, the requirements for drinking fountains—section 11B-606.2, washer and dryers—section 11B-611.2 and kitchen work surfaces section 11B-804.3.1 all state that the floor clearance shall be centered on the unit, appliance and kitchen work surface respectively. Short answer, you **can** offset the floor clearance at the lavatory to clear the paper towel dispenser. Just be sure that the paper towel dispenser does not become a protruding object.

READILY ACHIEVABLE BARRIER REMOVAL

The US Department of Justice issues Technical Assistance documents (ADA-TA's) to better understand how to comply with the Americans with Disabilities Act. The documents provide practical information and guidance and high-light accessibility topics of interest to business owners, vendors and architects to name a few. The documents do not represent a legal interpretation of the ADA law, but provide supplemental information and illustrations to specific requirements.

Each ADA-TA is structured to 1) answer common questions that have been submitted to the Department of Justice either as compliance review requests or complaints, and 2) to provide design details that illustrate practical solutions. The first ADA-TA issued in August of 1996 featured common questions about readily achievable barrier removal. Though new technical assistance documentation has been issued since then, much of the information is still applicable today.

In general, we must start from the understanding that the ADA requires that places of public accommodations take steps to improve accessibility to the existing places of business and mandates that barriers be removed where readily achievable. The primary intent is to ensure that "individuals with disabilities may not be denied the full and equal enjoyment of the **goods, services, facilities, privileges, advantages, or accommodations** that the business provides."

Sutter Health falls within one of the 12 categories of "public accommodation": Category 6) Service Establishments—professional offices of health care providers, hospitals. Therefore, it is required to perform readily achievable barrier removal at all existing locations where patients and public are seen.

Often times affiliates cite cost to establish that specific barrier removal at their site is not readily achievable. While overall financial resources of the site is a factor in considering if a barrier is readily achievable, the overall financial resources of the parent corporation is also a factor. Therefore cost has not necessarily reduced the number of barriers that as a system we must remove. We can however, evaluate the impact that a modification may have on the operation of the business. If for example, an effort to provide a fully accessible patient unit would result in significant reduction of beds, then we may conclude that total barrier removal is not readily achievable. However it may be readily achievable to upgrade some of the rooms. Remember, barrier removal is an ongoing obligation. Hence, the determination that something is not achievable today does not mean that it won't be achievable in the future. Furthermore, new construction and alteration projects must comply with all current requirements and remaining barriers may very well be remediated as renovations are performed within the site.

~~~~~