

Laws affecting accessibility

1. Smith- Fess Act (Civilian Vocational Act) of 1920- to address rehab for wounded soldiers

2. Social Security Act -1935 – set for those who were unable to work plus medical and therapeutic services for children with disabilities. **Social Security Disability Insurance (SSDI) 1972** for those with vision, and other disabilities.

3. Workman's (Worker's) comp (1965) a major disability compensation programs which provides to workers and other specific groups who are injured at work or acquire an occupational disease – providing the injured:

Wage replacement benefits

Medical treatment

Vocational rehabilitation

Death benefits

Impairment Rating Evaluation (IRE). a disability rating scale.

- Temporary disability
- Permanent disability
- Full or partial disability

Some states limit the length of time an injured worker can receive temporary benefits. The duration for which claimants can receive workers' compensation benefits varies. For most people, benefits last **104 weeks** or until they return to their previous job. This range can be three to seven years. There is not usually a limit on permanent disability benefits. However, some states do stop weekly benefits when

employees reach the age of 65. Also keep in mind that not all states will provide permanent partial disability benefits.

4. CMS (Centers for Medicare and Medicaid) (1965)

1. Medicare for over 65 y.o. or with a disability after 24 months & ESRD, Transplants, ALS

Part A Hospitalizations, SNF for first 100 days after 3-day hospital stay, hospice, DME

Part B Physicians office

Part C Advantage plans

Part D Drug coverage

2. Medicaid Title XIX - managed by states funded by Federal programs

5. Rehabilitation Act of 1973 first act to address accessibility.

Also included was to provide PT, OT ST, Audiology, and psychological counseling

6. Fair Housing Amendments Act of 1988 originally passed in 1968, the Fair Housing Act only covered four protective classes: race, color, religion, and national origin. Sex was added as a protective class in 1974. In 1988, disability and familial status were included as protective classes as well.

7. The Americans with Disabilities Act of 1990 – equal opportunity for people with disabilities related to opportunity, accommodations, and accessibility in employment, transportation, & public access.

Title I Equal Employment Opportunity for individuals with disabilities

This title is designed to remove barriers that would deny qualified individuals with disabilities access to the same employment opportunities and benefits available to others without disabilities. Employers must **reasonably** accommodate the disabilities of qualified applicants or employees unless an undue hardship would result.

Title II Nondiscrimination based on disability in State and Local Government Services for education, housing, and travel & transportation

Title III Nondiscrimination based on disability by Public Accommodations and in Commercial Facilities

This title prohibits discrimination based on disability by private entities in places of public accommodation. Examples include hotels, restaurants, golf courses, private schools, day care centers, health clubs, etc.

Title IV Telecommunications for hearing and speech impairments

This title requires telephone companies to have developed relay services in every state. Closed captioning, TDD

8. Developmental Disabilities Assistance and Bill of Rights Act
(DD act) -

2000. A comprehensive federal law created to support people with developmental disabilities (DD) and their families. Lifelong services- ADL, mobility language, & economic support.

9. No Child Left Behind -2001 was replaced with **Every Student Succeeds Act (ESSA)** 2015 that governs K-12 have modified standardized testing on math, reading and science.

10. Individual with Disabilities Educational Improvement Act - IDEA – 2004 (replaced Education for All Handicapped Children Act of 1975)

law that makes available a free appropriate public education to eligible children with disabilities ensures special education and related services) PT, OT, ST, and nutrition. Head Start is under this [program. Infants and toddlers, birth through age 2, with disabilities and their families receive early intervention services. Ages 3 through 21 receive individual educational Plans (IEP) to the same extent as the needs of students without disabilities are met.

11. Affordable Care Act -2011 comprehensive health care reform law and its amendments. The law addresses health insurance coverage, health care costs, and preventive care. The law was enacted in two parts: The Patient Protection and Affordable Care Act was signed into law on 2010 and was amended by the Health Care and Education Reconciliation Act on March 30, 2010. The program is providing a market of insurance carriers that would provide equal rates to everyone seeking health insurance despite pre-existing medical conditions.

12.IMPACT—Medicare Post—Acute Care Transformation 2014 - unified payment system for post-acute care: LTACHs, SNFs, HHAs, & IRFs. Standardized assessment for functional status; cognitive function and mental status; special services, treatment and interventions; medical conditions and comorbidities and impairments,

Guidelines for accessibility

- a. Handicap Parking must be within 200 ft. of entrance to building
- b. Walkways – at least 48 in. wide and gradient not greater than 1 ft. rise in 20 ft.
- c. Ramps-slope no greater than 1 ft. rise in 12 ft.

Width at least 36 in.

Handrails at least 32 in above the surface

- a. Doors – at least 32 in wide and thresholds less than ½ inch
- d. Steps – not higher than 7 in.
- e. Building restrooms- turning space 60 in. by 60 in

At one with measurements of 3 ft. wide and 4ft 8 in deep

Toilet seat at least 17-19 in high from base

Water coolers- must be at 36 in or less from the floor

Public telephones –no higher than 48 in from the floor

Elevators- call buttons no higher than 48 in from the floor

Fire alarms, light switches, and thermostats not higher than 48 in. from the floor

B. Websites

1. www.ANSI.org (American National Standards Institute)
2. www.Acess-board.gov (Uniform Federal Accessibility Standards)
3. www.ADA.org (Americans with Disabilities Act)
4. National Rehabilitation Information Center (800/346-2742)
5. RESNA Technical Assistance Project 703/524-6686 (ask if a local office is available)
6. Resources change constantly; be active in searching for untapped resources.