

Accessibility Survey of Community Rule 36 Facilities

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BACKGROUND INFORMATION

Introduction

In the course of making random visits to facilities, staff from the Ombudsman Office observed that many Rule 36 community facilities* appeared to be inaccessible to people who use wheelchairs. Staff also learned of instances in which people with mental illness who use wheelchairs had been placed in nursing homes because there were no Rule 36 community facilities available that could accommodate them. It was noted that Andrew Residence, a Rule 36 community facility, has a long waiting list because it is accessible to people who use wheelchairs.

Telephone Survey

In follow-up to concerns relating to accessibility, the Ombudsman Office conducted a telephone survey to determine the current status of wheelchair accessible facilities for individuals with mental illness. Of the 85 facilities in Minnesota licensed under Rule 36, 78 were contacted by telephone and responded to the question of wheelchair accessibility. The regional treatment centers at Anoka, St. Peter, and Willmar, and the Minnesota Security Hospital were claimed to be wheelchair accessible. Out of 74 community facilities contacted, only six facilities claimed to be accessible to people who use wheelchairs. The remaining 68 facilities were reported as not accessible to people using wheelchairs.

In the course of gathering information on Rule 36 community facilities, the Ombudsman Office recognized the need to determine the number of persons with mental illness who use wheelchairs. Nine county social service agencies were contacted in an effort to make this determination, five counties from the metro area and four from Greater Minnesota. None of the county social service agencies had the requested information; several indicated that such information has never been compiled.

** A Rule 36 facility offers residential care and program services for adults with mental illness.*

Follow-up Meetings

Following completion of the telephone survey, staff from the Office of the Ombudsman and the Council on Disability met to discuss the results. All agreed a more in-depth review of the issue was needed. Therefore various interested agencies and advocacy groups were contacted to ascertain their interest in the issue. Among those contacted were: the Department of Health, State Planning Agency (Governor's Developmental Disabilities Planning Council), Department of Human Services (Licensing Division), Department of Administration (Building Codes and Standards Division), the Minnesota Mental Health Association, and the Mental Health Law Project.

Two meetings were held to develop a process for determining the extent of the problem. The emphasis was on process rather than issue identification due to the limited information available.

It was agreed among the agency representatives that an already existing survey tool, the Council on Disability's Building Access Survey, should be used to obtain information. It was also agreed that the survey should be expanded to consider accessibility in general and not limited to wheelchair accessibility.

The Ombudsman Office agreed to undertake the survey with the understanding that the project would be incorporated into the Office's 1989 special projects work program and conducted in the spring, 1989. It also was agreed that the Council on Disability would continue to advise and comment on the project.

BUILDING ACCESS SURVEY

Method

The survey used was created in 1984 and revised in 1986 by the Minnesota State Council on Disability. It was distributed by the Office of the Ombudsman to all facilities licensed under Rule 36 in the State of Minnesota. Regional Treatment Centers responded to the survey but are not included in the group of surveys presently reviewed.** Out of the remaining 81 Rule 36 facilities, 23 community facilities (28%) provided substantive answers to the survey.

Questions in the survey addressed aspects of a facility's physical plant that are relevant to accessibility to people with physical disabilities. The questions were divided into five categories:

- parking facilities
- entrances
- interiors
- doorways
- sanitation facilities

The survey was a comprehensive, 30 page review of building conditions, dimensions, and floor plans relevant to accessibility standards and recommendations. For the purpose of the Ombudsman Office's review, several key questions and responses were identified in each category. Identification of these areas was made in consultation with the Minnesota State Council on Disability.

*** Responses from Regional Treatment Centers (RTCs) included survey results from numerous buildings on the campuses. This presented a problem both in reviewing the survey results and in making comparisons. Although the RTCs providing treatment for persons with mental illness are licensed under Rule 36, survey results from the RTCs should be reviewed separately from community facilities. Because the latter was the focus of the survey, RTCs are not included in the review.*

Findings

Although the survey included 115 questions, the findings focus on 23 key questions in the following five categories: parking, entrances, interiors, doorways, and sanitation facilities.

Parking

Out of the 23 Rule 36 community facilities that responded to the survey, only five are equipped with appropriately labelled parking for people with physical disabilities. Another four of the facilities surveyed have designated parking spots for people with physical disabilities that are not sufficiently identified with upright, permanent signs. Three of the facilities have no parking facilities of any kind. The remaining 11 facilities (48%) reported parking facilities with no spaces designated for people with physical disabilities.

Entrances

Only one of the community facilities responding to the survey is equipped with door latch hardware appropriate for people with physical disabilities. All of the facilities responding have entry door widths suitable for accommodating wheelchairs.

Interiors

Only one of the community facilities surveyed is equipped with ramps and lifts appropriate for people who use wheelchairs. Fifty-five percent (55%) of the Rule 36 community facilities surveyed do not meet recommended dimensions of stairways and handrails for accessibility to people with physical disabilities.***

*** Recommended by the Minnesota State Council on Disability.

Doorways

Doorway openings provide enough space for wheelchair accessibility in 18 (78%) of the Rule 36 facilities that responded to the survey. Only one out of the 23 facilities surveyed has tactile identification of doors to public spaces. Two facilities provided no information in this category.

Sanitation Facilities

Out of the eight criteria analyzed regarding accessibility of sanitation facilities, the responding facilities averaged 3.4 unmet criteria per facility. The eight factors considered include:

1. Knee space under at least one sink for a person in a wheelchair.
2. Faucet hardware that can be used by a person in a wheelchair.
3. Working heights of: soap and towel dispenser, disposal unit, mirror, product dispenser control, and shelf top.
4. Width of the approach area to the accessible toilet.
5. Grab bars provided at the toilet.
6. Fixed, folding, or retractable seat available to use in the bathroom or shower.
7. Grab bars provided at the tub area.
8. Grab bars provided in the shower area.

Each location lacks at least one of the above criteria. The most common of these are inadequate knee space under sinks, absence of tub or shower seats, and inadequate working heights for bathroom facilities such as soap and towel dispensers. Other less common problems include absence of grab bars near tubs, showers, and toilets; faucet hardware inadequate for use while seated in a wheelchair; and inadequate approach areas to accessible toilets.

Discussion

Although the results of the Accessibility Survey are considered preliminary and do not constitute a comprehensive review, the results do suggest that there are very few Rule 36 community facilities that meet accessibility standards. Even minimum efforts to provide a physical environment in which people with physical disabilities can function appear lacking. Furthermore, in the absence of meaningful data at either the county or state level, determination of overall need is difficult, if not impossible.

To begin to address the issue of accessibility in Rule 36 community facilities, the Ombudsman Office recommends the following:

- The Department of Human Services' Division on Mental Health and Division on Licensing conduct an assessment to determine the need for community Rule 36 facilities for persons with physical disabilities. Among the factors the needs assessment should include are the number of people with physical disabilities in need of Rule 36 placement (both current and projected) and the areas of the state most in need of such facilities.
- If the results of the survey conducted by the Ombudsman office are substantiated by the comprehensive needs assessment, DHS should provide incentives to providers to develop facilities that are accessible to people with physical disabilities.
- For existing facilities, immediate steps should be taken to make the facilities as accessible as possible. Many of these steps can be made economically and without major time commitment. Adding permanent signs to mark parking spots for designated persons with disabilities is simply one among many possibilities. Others include: addition of grab bars near bathtubs and toilets, adjusting working heights of soap and towel dispensers, and addition of tub and shower seats.

An awareness of the needs of people with both mental illness and physical disabilities appears to be lacking among the general public and public policy makers. Advocacy groups and organizations representing people with physical disabilities and/or people with mental illness should work cooperatively to instill this awareness.

Appendix A

Federal and State Requirements

Department of Human Services Rule 36 gives clients in need of mental health services the right to receive the best quality of care without discrimination according to physical disability. However, a review of relevant State statutes and regulations reveals that remodeling of facilities solely to provide handicap accessibility is not required when remodeling would not otherwise be undertaken. Minn. Stat. §§16B.60 et seq and 471.467.

Section 504 of the Federal Rehabilitation Act of 1973 (29 U.S.C. §701) provides an exception for small providers to the general rule of nondiscrimination on the basis of handicap. Small providers are not required to make significant structural alterations to their existing facilities for the purpose of assuring program accessibility if alternative means of providing the services are available. 29 U.S.C. §794(c). The federal regulations found at 45 CFR §884.22 clarify the federal statute. Providers with fewer than 15 employees that cannot comply with program accessibility requirements without making significant alteration in existing facilities may refer the physically disabled person to other providers that have an accessible facility.

This review of federal and state requirements demonstrates that a person with mental illness who uses a wheelchair or has a physical disability can be denied admittance into a program due to the inaccessibility of the facility, so long as the person can be referred to another provider that has an accessible facility.

Recently the Americans with Disabilities Act (ADA) of 1989 was passed by the U.S. Senate. The bill is expected to be considered by the House of Representatives before the end of the year. The ADA would prohibit discrimination on the basis of disability.

Appendix B

Selected Items from Building Access Survey

Minnesota State Council on Disability*

Parking

How many off-street parking spaces are provided?

Total: 411
Range: 0-117

How many of these parking spaces are provided for use by disabled persons?

Total: 22
Range: 0-10

How many of the handicapped parking spaces are designated with upright, permanent signs?

Total: 10
Range: 0-3

Are the handicapped parking spaces located as near as possible to an accessible building entrance?

Yes: 7 No: 2 No Response: 1
Not Applicable: 13 (No handicapped parking spaces)

Entrance

Is the exterior entrance landing level?

Yes: 16 No: 1 No Response: 1
NA: 5

What is the rise of the threshold?

Range: 3/8"-6"
(Recommended 1/2" maximum)

What is the width of the clear usable opening of the entry door (from the face of the door when open at 90° to the face of the opposite door stop)?

Range: 31"-48"
(Recommended 31" minimum)

Describe the door latch hardware (e.g., round knob, lever handle, U-shaped pull, push plate, etc.)

Round knob: 9	U-shaped pull: 8
Push plate: 1	Lever: 1
No Response: 4	(Recommended: Lever Handle)

Can the door latch hardware be opened with a single movement of one hand by persons having minimal grip strength?

Yes: 15 No: 4 No Response: 4

Interiors

Are ramps provided for access to all floors and levels not served by elevators?

Yes: 1 No: 21 NA: 1

Are lifts provided for access to levels and areas not served by elevators or ramps?

Yes: 1 No: 20 No Response: 1
NA: 1

Are stairs provided to any levels?

Yes: 19 No: 0 No Response: 2
NA: 2

Are handrails provided on both sides of the stairs?

Yes: 15 No: 5 No Response: 3
NA: 0

Doorways

Do all interior doors provide at least 31" of clear useable opening (from the face of the door when open at 90° to the face of the opposite door stop?)

Yes: 20 No: 3

Is there tactile identification of doors to public spaces?

Yes: 1 No: 22

Sanitation Facilities

Is there clear knee space under at least one sink for a person in a wheelchair?

Yes: 4 No: 11 No Response: 8

Specify the faucet hardware (e.g. lever handle, round knob, tip-tap, etc.):

Round Knob: 7	Lever Handle: 6
No Response: 10	(Recommended: Lever Handles)

What are the working heights from the floor of the following:

	<u>Range:</u>	<u>Recommended:</u>
Soap dispenser control:	32"-51"	40" Maximum
Towel dispenser control:	40"-60"	40" Maximum
Disposal unit's top edge:	12"-60"	40" Maximum
Mirror's lowest edge:	36"-57"	40" Maximum
Product dispenser control:	40"-42"	40" Maximum
Shelf top:	30"-62"	40" Maximum

How wide is the approach area to the accessible toilet?

Range: 24" - 84"
(Recommended: 40" minimum)

Are grab bars provided at the toilet?

Yes: 9 No: 6 No Response: 8

Is there a fixed, folding or retractable seat available to use in the bathtub or shower?

Yes: 4 No: 11 No Response: 8

If there is a tub area, are grab bars provided?

Yes: 9 No: 6 No Response: 8

If there is a shower compartment, are grab bars provided?

Yes: 10 No: 5 No Response: 8

** Items selected from Minnesota State Council on Disability's Building Access Survey (Revised August 1986) in consultation with staff from the Council.*