



CURRENT NEWS FROM THE UNITED STATES ACCESS BOARD

# ACCESS CURRENTS

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## Health Care Reform Bills Mandate Access to Medical Equipment

The health care reform bills under consideration by Congress contain provisions to address access to medical diagnostic equipment for people with disabilities. Both House and Senate measures include language that authorizes the Access Board to develop accessibility criteria for equipment such as examination tables and chairs, including those used for dental or eye care, weight scales, x-ray machines and other radiological equipment, and mammography equipment. Access to this type of equipment has been an issue since it is not addressed by existing accessibility standards or regulations, including those issued under the Americans with Disabilities Act (ADA). The Board did not previously address such equipment in its facility guidelines because its guideline-setting authority does not generally extend to equipment and furnishings that are not permanently fixed or built-in.

The current House and Senate bills each contain analogous provisions on the topic, but there are differences between them in how accessibility criteria would be implemented. The bill passed by the House of Representatives in November (the Affordable Health Care for America Act) directs the Board to issue accessibility guidelines within nine months of enactment and supplements its authority to set minimum guidelines under the Rehabilitation Act, the law that created the Board. The guidelines would apply to new equipment purchased for use in doctors' offices, clinics, emergency rooms, hospitals, and other medical care facilities to ensure independent access to and use of equipment by people with disabilities to the maximum extent possible. Federal agencies responsible for regulating and enforcing the ADA or the Rehabilitation Act would be required to issue regulations that include mandatory standards consistent with the Board's guidelines within six months. These regulations would also address equal access to all aspects of health care made available by providers and plans covered by the bill.

The bill under Senate consideration (the Patient Protection and Affordable Care Act) would require the Board to issue accessibility standards for medical diagnostic equipment within two years of enactment in consultation with the Food and Drug Administration. Like the provision in the House bill, it calls for independent access to, and use of, equipment by people with disabilities to the maximum extent possible. In specifying issuance of standards instead of guidelines by the Board, no further action by other agencies would be required for the requirements to take effect. Both the Senate and House measures specify that the Board periodically review and update the established technical criteria.

Should the Senate pass its bill, a conference committee of representatives and senators will be responsible for reconciling differences between the House and Senate versions. Both chambers will have to approve the final version of the bill before it can be sent to President Obama for signature. Further information, including the content and status of both House and Senate bills, is available on the Library of Congress website at <http://thomas.loc.gov/>.

## Board Holds First Webinar in Ongoing Series

On December 3rd the Board held a public webinar on access to outdoor developed areas, the first

in a monthly series of webinars and audio conferences conducted in cooperation with a national network of ADA centers known as Disability and Business Technical Assistance Centers (DBTACs). The session focused on draft final guidelines that address access to trails, picnic and camping facilities, and beach access routes on Federal sites that the Board made available for public comment until December 18th. Over 300 people attended the session. An archived copy will be made available online.

The next webinar in the series will take place January 7th from 2:30 – 4:00 (ET) and will feature an overview of the work of the Board, including updates on its current rulemaking activities. Board Chair Douglas Anderson and Executive Director David Capozzi will conduct this session. Other sessions scheduled will cover the Board's refresh of its Section 508 standards for electronic and information technology (February 4th) and access standards that apply to Federal facilities under the Architectural Barriers Act (March 4th). For more information, including registration instructions, visit [www.accessibilityonline.org](http://www.accessibilityonline.org). General attendance is free, but there is a \$25 cost charged by the DBTACs for processing continuing education credits. Questions or comments should be directed to Peggy Greenwell, the Board's Training Coordinator, at [training@access-board.gov](mailto:training@access-board.gov), (202) 272-0017 (v), or (202) 272-0082 (TTY).

### ***Upcoming Webinars***

#### *About the Access Board*

Jan. 7th 2:30 – 4:00 (ET)

#### *§508 Standards Refresh*

Feb. 4th 2:30 – 4:00 (ET)

#### *Federal Facilities and the ABA Standards*

March 4th 2:30 – 4:00 (ET)

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### **Accessibility Becoming a Greater Priority Worldwide**

That accessibility is becoming a greater global priority is apparent in the increased consultation and coordination among nations and international groups. The U.N. Convention on the Rights of People with Disabilities, a comprehensive treaty establishing legal standards on disability rights and a framework for international cooperation, and other initiatives are bringing about increased awareness and activity in this area. Many countries are working to implement or improve protections to ensure equal access for people with disabilities.

The Board regularly meets with foreign delegations to share information on accessible design and occasionally travels abroad. In December, the Board hosted officials from the Ukraine, China, and the Canadian province of Ontario to discuss how accessibility in various areas, including the built environment and transportation, has been addressed in the U.S. Many countries are especially interested in the Board's process for developing its guidelines and standards. Recently, Board Chair Douglas Anderson traveled to Tel Aviv as a guest of Access Israel, a nonprofit organization, to be the keynote speaker at its first national conference. The Board also was part of a delegation to a joint seminar by the U.S. and the European Union on employment of people with disabilities held in Belgium and addressed a regional U.N. conference on access to electronic and information technologies in South Korea. The Board has been particularly active in coordinating the update of its requirements for information and communication technologies with other countries and international standard-setting bodies since standardization across markets worldwide is critical in this realm.

"The Board welcomes the opportunity to exchange information and to work together with other countries and international groups," noted David Capozzi, the Board's Executive Director. "Cooperation across borders will go a long way in making accessibility a worldwide reality." For more information, contact the Board at [info@access-board.gov](mailto:info@access-board.gov), (202) 272-0080 (v), or (202) 272-0082 (TTY).

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### **Board Sponsors Studies to Examine Wheelchair Travel and Transfer**

The Board is sponsoring research by the Department of Veterans Affairs Human Engineering

Research Laboratory (HERL) at the University of Pittsburgh to lay the groundwork for studies on wheelchair transfer and the effects of cross slope on wheelchair travel. Board staff recently met with Dr. Rory Cooper and other researchers at HERL for briefings on these projects and related research activities.

#### *Study on Wheelchair Transfer*

The Board is interested in gathering data on factors that affect transfer from wheeled mobility aids. Existing access standards address the height of elements such as toilet and shower seats and benches based on the seat height of standard wheelchairs and required clear floor space for transfer positioning. However, little is known about how the relationship of transfer surfaces affects access to many elements, including seats in vehicles and amusement rides. In particular, information is needed on the impact of vertical differences and horizontal gaps between transfer points, the proximity of positioning space, and elements requiring multiple transfers, among other factors. HERL researchers consulted previous studies through a literature review and are developing a methodology for subject testing. This work includes development of an adjustable testing device to assess transfer orientation and techniques and to measure exertion levels under a variety of conditions. Adjustable features will be used to simulate transfer between a range of heights and lateral distances, both separately and in combination, as well as the availability of hand holds or similar supports and the presence of constraints such as side guards. Through other funding sources and research partnerships, HERL plans to recruit up to 300 individuals for testing.

#### *Study on the Effects of Cross Slope on Wheelchair Travel*

Studies indicate that surface slopes running across the direction of travel, often referred to as the cross slope, have a major impact on manual wheelchair propulsion. The Board funded a preliminary investigation by HERL to review existing research and to survey people who use wheelchairs to gather information on the interaction of slope, surface, and weather conditions on wheelchair travel in preparation for a follow-on project involving subject testing. In the Board's study, which was completed last summer, HERL researchers found that the test protocols of previous studies varied greatly and that the measures used do not fully capture the complex effects of cross slope. Further, few studies included testing in outdoor environments over a range of surfaces. Results also confirmed that terrain features interact in complex ways and that the effects are more pronounced among certain populations, particularly older adults, women, and people with progressive conditions, such as multiple sclerosis, or upper extremity impairment. Based on the initial study, researchers developed a protocol for subject testing to measure the effects of cross slope on a range of cross and running slopes and surface conditions. This follow-on testing phase, which is utilizing devices developed by HERL to measure work, energy, distance-per-stroke, and pushrim forces, is currently underway with additional support from the Department of Veterans Affairs and the Paralyzed Veterans of America.

HERL representatives will also participate in a Board workshop on human factors and the wheelchair rollability of surfaces, including roughness and vibration, to be conducted at the Transportation Research Board's annual meeting in January. For further information, contact Lois Thibault, the Board's Research Coordinator, at [thibault@access-board.gov](mailto:thibault@access-board.gov) or visit HERL's website at [www.herlpitt.org](http://www.herlpitt.org).

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#### **Justice Department Resumes Effort to Issue ADA Final Rule**

The U.S. Department of Justice (DOJ) is proceeding with necessary steps to publish updated regulations under the ADA. These regulations will include new access standards for facilities based on revised guidelines previously issued by the Board. DOJ sought to issue its regulations last winter but delayed publication in order to give incoming officials of the Obama administration the opportunity to review the rule. With the Senate's confirmation of Thomas Perez as Assistant Attorney General for Civil Rights in October, DOJ has resumed work on remaining steps that must be completed before the rule can be cleared for publication. A timeframe for release of the regulations is not available at this time. The Board will issue further updates on this action through its newsletter and website. For more information, contact DOJ at **800-514-0301** (v) or **800-514-0383** (TTY).

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### **Compilation of Federal Disability Statistics Released**

A number of Federal agencies collect statistical data on the population of people with disabilities to improve and support disability related programs and services. The Rehabilitation Research and Training Center on Disability Statistics and Demographics, which is supported by a Department of Education grant, has compiled this data into one resource, the Annual Disability Statistics Compendium. The first edition, released in October, includes statistics from Federal sources and surveys on disability prevalence, population size, including break-downs by state and disability type, employment and earnings, education, health and health care coverage, rehabilitation, and participation in benefit programs. The Center plans to update the compendium on a yearly basis to capture new or recurring data collections and demographic statistics. The 2009 Compendium and related information are available on the Center's website at <http://disabilitycompendium.org/>.

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**Access Currents** is a free newsletter issued by the Access Board every other month by mail and e-mail. Send questions or comments to [news@access-board.gov](mailto:news@access-board.gov) or call (800) 872-2253 ext. 0026 (voice) or (800) 993-2822 (TTY). Mailing address: 1331 F Street, N.W., Suite 1000; Washington, D.C. 20004-1111.

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