

# Is Your Practice ADA-Compliant?

Nearly one-fifth of all Americans are disabled,  
and the law says you must deal with it

By Shannon Triplett Leade

**D**oes your practice comply with Americans with Disabilities Act (ADA) regulations, with all rooms, furniture, and fixtures accessible to people with disabilities? In a recent online survey conducted by *PSP*, 54.5% of respondents answered yes to that question.

Unfortunately, 27.3% answered no and 18.2% said they didn't know.

Is your practice ADA-compliant?

According to the 2000 US Census, disabled citizens represent 19.3% of the 257.2 million people who were aged 5 and older in the civilian noninstitutionalized population. That's roughly one in five people in America.

Fifty percent of people over age 65 have some type of disability. The average life span today is 75 years, and it is projected to rise to 85 years by 2050.

As the population grows older, more of your patients will require easier access to your office and equipment (such as examination tables, procedure tables, and chairs of all kinds).

## LAW? WHAT LAW?

In 1990, the ADA was signed into law by President George H.W. Bush. It not only calls for architectural accessibility in health care settings, but it also provides physicians with an overall guide to offering safe, competent health care support for people with disabilities.

The ADA guarantees equal opportunity for people with disabilities in public accommodations, commercial facilities, employment, transportation, state and local government services, and in gaining access to telecommunications.

Your practice's office is considered a "public accommodation" under Title III of the ADA. Plastic surgeons (or any physician) are required to comply with provisions of Title III. Some states mandate additional requirements.

Therefore, if you have not upgraded your facility to ADA compliance, you should do so for many reasons.

People with disabilities are one of the largest minority groups in the country,

and they represent a substantial number of potential clients. It's a number that, unfortunately, continues to grow. It is a large group who do not receive proper care and support without adherence to the standards mandated by the ADA.

Support of this kind includes providing proper medical equipment and furniture. Not having ADA-compliant equipment presents a challenge to medical providers.

Physicians should be prepared for getting their disabled patients first, safely into their office, and, second, safely onto scales, tables, etc that can adequately serve them. If you cannot properly weigh or examine someone, you will not be able to provide the exact care needed.

The ADA became effective in January 1992. Title III of the Act covers privately operated medical and health care facilities. The text of the law specifically requires that you provide an accommodation that will enable you to perform examinations.

For example, if you do not provide an appropriate examination table for a disabled patient, you run the risk of injury. In that case, your staff will have to help disabled patients onto the commonly high examination tables, including lifting them, if needed.

Without the proper devices and equipment, the disabled patient will not be



properly served and may feel less than dignified in the process.

In addition, nonaccessible examination tables are unusable for most wheelchair users who may have paralysis, mobility limitations, or related conditions.

Many businesses have either ignored the ADA, had difficulty refitting offices and upgrading equipment to maintain adherence to the law, have anted up and made the required upgrades, or were sued by federal or state governments in an attempt to enforce compliance.

**RESISTANCE IS FUTILE**

A few high-profile lawsuits have demonstrated both the need to comply with the ADA and the futility of fighting the law.

Overall, an increasing number of private and public disability discrimination cases have been successfully filed. The disabled community has been diligent in asserting their civil rights, demanding that the courts enforce ADA requirements in the health care field.

For example, Georgetown University Hospital in 1998 allegedly failed to “reasonably accommodate” a wheelchair-bound patient by helping her transfer from her wheelchair to an examination table for a gynecological examination. After being sued, Georgetown agreed to pay hefty fines to the plaintiff and the federal government, and to undertake a facilitywide review of related accessibility problems.

In what is regarded as one of the most significant health disability discrimination cases, Kaiser Permanente of California in 2001 was sued on behalf of *all* of its California members with disabilities.

The lawsuit claimed that the organization discriminated against patients with disabilities by not offering accessible examination tables, toilets, scales, and other medical devices in its California hospitals and clinics.

The settlement included Kaiser Permanente’s agreement to install accessible medical equipment, including

wheelchair-accessible scales; remove architectural barriers; revamp and update its policies regarding accessibility; and develop a training program to educate its health care professionals about treating people with disabilities.

**PRODUCTS**

Where can you obtain ADA-compliant equipment for your practice? A handful of manufacturers either specialize in ADA-compliant products or offer them, scattershot, in their product lines.

For example, Hausmann Industries Inc, Northvale, NJ, offers the steel-framed ADA Wheelchair Accessible Hi-Lo Tilt Table, which provides a wheelchair-accessible design, a lift mechanism that adjusts from 19 inches—low wheelchair height—to 34 inches high, smooth control of tilt and height adjustments, wide safety straps with “hoop and



loop” closures, and a removable footboard with rubber tread.

Another of the firm’s products, the Powermatic Wheelchair Accessible ADA Exam Table, comes in right- and left-handed versions. The table is designed for patients with special needs, including bariatric, geriatric, and ambulatory patients. These products come with motorized lifts from 20 to 32 inches high—which support up to 400 pounds—hands-free controls, pneumatic backrests, four-position adjustable stirrups, and removable top pads with built-in pillows.

Medline Industries Inc, Mundelein, Ill, also provides a wide range of ADA-



compliant equipment.

One of the pioneers in ADA-compliant medical equipment and furniture, Midmark Corp Versailles, Ohio, offers examination tables, sterilization and medical casework, lighting, seating (including physician stools), and refrigeration products.

The company’s trademarked Barrier-Free examination tables offer two foot controls, including a multifunction controller that moves the seat and back section of the table independently or simultaneously. A “quick return” feature automatically lowers the table to 20 inches, allowing the patient a quick and safe exit off the table.

The Ritter 222 Barrier-Free Power Exam Table is designed to accommodate the elderly, expectant mothers, or patients with disabilities, and comes with an 18- to 37-inch height adjustment, a manual back with “air spring assist,” and a 400-pound patient weight capacity.

An example of the firm’s procedures tables, the model 630 Barrier-Free table provides foot pedal-controlled power height, back, foot, and tilt, as well as an essential low height; a 450-pound weight capacity; and 19- to 40-inch seat height adjustment for nonrotational units (22.5- to 43.5-inch seat height adjustment for rotation units).

Of all the manufacturers researched for this article, Midmark’s product line appears to offer the widest range of physician’s office upgrades to attain ADA compliancy. In addition to equipment, the firm’s furniture line can be likened to items from manufacturers that specialize in office décor.

There are mobile carts, treatment tables, cabinets, and a wall-mounted folding wheelchair scale. Accessible scales are usable by wheelchair users, people with activity limitations, and larger people who may exceed a standard weight scale limit.

The firm’s accessible weight scale provides a platform large enough to accommodate the larger electric wheelchairs, with a weight capacity of up to 800 pounds.

Wheelchair scales are also offered by Detecto Scale Co, Sunbeam (HealthO-Meter), Seca Corp, and Tanita Corp, among others.

## BARIATRIC PATIENT NEEDS

A few words are needed about equipment and furniture that are made for bariatric patients. Several manufacturers have responded well to the needs of these patients, and many different product lines exist to serve them.

Nemschoff Inc, Hill-Rom Inc, and KI Healthcare, as well as others, offer modern bariatric chair designs that put to rest the bulky, oversized, and, frankly, hideous-looking seating that was a hos-

pital mainstay for years.

The federal government does not offer a mandate on how to control bariatric seating design. An industry trade group, the Business and Institutional Furniture Manufacturer's Association, offers guidelines, but not all manufacturers follow its recommendations.

Although you are not required to follow federal guidelines in this area, it is nonetheless wise to adopt a common-sense approach to choosing the furniture that will best serve bariatric patients.

First, remember the weight limit of those who may use the seating. Bariatric weights usually begin at 500 pounds and can be as high as 1,400, with a median of roughly 500 to 700 pounds. Compare that to weight limits in normal chairs, which is usually from 300 to 500 pounds. These figures will help guide you in

choosing the proper product for your practice's lobby and other rooms.

## CONCLUSION

ADA-compliant equipment is obviously the way to go on two scores: It is your obligation under the law; but, more important, it is also needed in order to treat your patients as humans.

Upgrading will assist you in better caring for the needs of your patients, your staff, and yourself. It is definitely a good way to reduce your risk for potential injuries and lawsuits.

In addition, there is a financial incentive—the Disabled Access Tax Credit (Internal Revenue Code, Title 26, Section 44), which is allowed for expenditures that are incurred in order to comply with the ADA.

This allows an eligible small business to take a nonrefundable tax credit equal to half of the expenditures it makes on eligible accommodations that exceed \$250, up to a maximum credit of \$5,000 per year. ■

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