

## PUBLIC ACCOMMODATIONS AND THE ADA

Passed into law in January 1992, the Americans with Disabilities Act (ADA) gives civil rights protections to individuals with disabilities. It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, state and local government services, and telecommunications.

To assist medical professionals in maintaining a quality healthcare environment, this article highlights a portion of the public accommodation section of the ADA. For complete ADA requirements, contact the federal Disability and Business Technical Assistance Center at (800) 514-0301.

A public accommodation is a private entity that owns, operates, or leases to a business or non-profit agency that serves the public. This covers a wide range of facilities, including large clinics, hospital laboratories, and medical practice offices.

### **Modification Limits**

The ADA does not require modifications that would fundamentally alter the nature of the services provided by the public accommodation. For example, it would not be discriminatory for a physician specialist who treats burn patients to refer a deaf individual to another physician for treatment of a broken limb or respiratory ailment. To require a physician to accept patients outside of his or her specialty would fundamentally alter the nature of the medical practice.

### **Removing Barriers**

There are limitations on the ADA's requirements for barrier removal in existing facilities. The language states that removal "must be readily achievable." This means it is easily accomplished and able to be carried

out without much difficulty or expense. "Readily achievable" examples include the simple ramping of a few steps, installation of grab bars where only routine reinforcement of the wall is required, lowering of telephones, rearranging furniture, and similar modest adjustments.

### **Alterations To Your Facility**

All alterations that could affect the usability of a facility must be made in an accessible manner to the maximum extent feasible.

For example, if during renovations a doorway is being relocated, the new doorway must be wide enough to meet the new construction standard for accessibility. When alterations are made to a primary function area, such as a waiting room, an accessible path of travel must also be provided. These additional alterations are only required to the extent that the costs do not exceed 20 percent of the original alteration's cost.

If you are located in a leased space, the ADA places the legal obligation to remove barriers on both the landlord and the tenant. The landlord and tenant may decide by lease who will actually make the changes, but both remain legally responsible.

### **Potential Tax Credit**

You may be entitled to a tax credit to help pay for the cost of ADA compliance. The current IRS code allows a deduction of up to \$10,250 a year for expenses associated with removal of qualified architectural barriers. This tax credit equals 50 percent of disabled access expenditures incurred by small businesses greater than \$250 but less than \$10,250. For additional information contact your tax attorney.