

ADA FROM A RISK MANAGEMENT PERSPECTIVE OR HOW TO AVOID AN ADA LAWSUIT



Jon Faill, JD
ADA Compliance Director, HCA

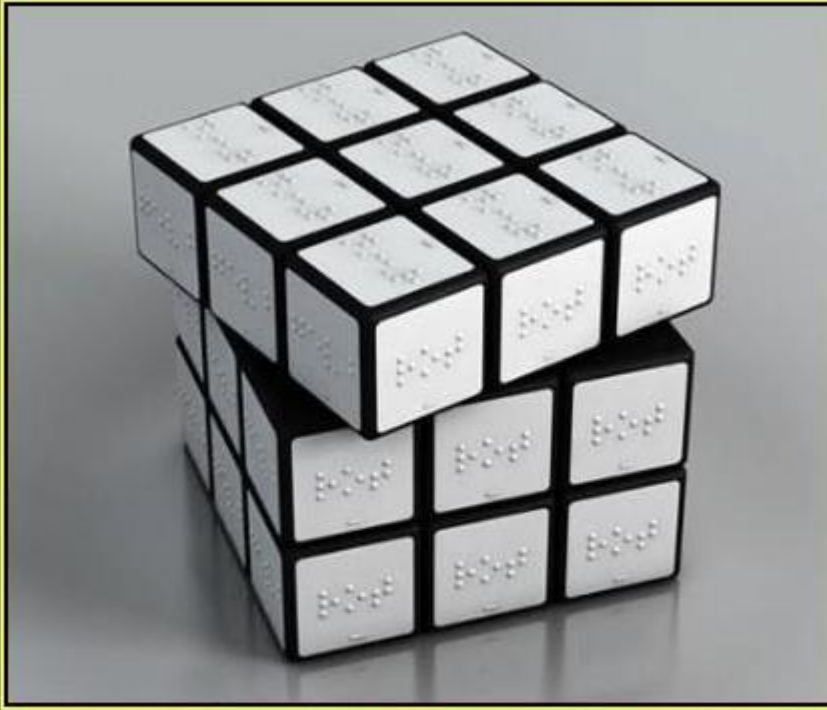


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ADA Corporate Compliance Officer, HCA

DISCLAIMER

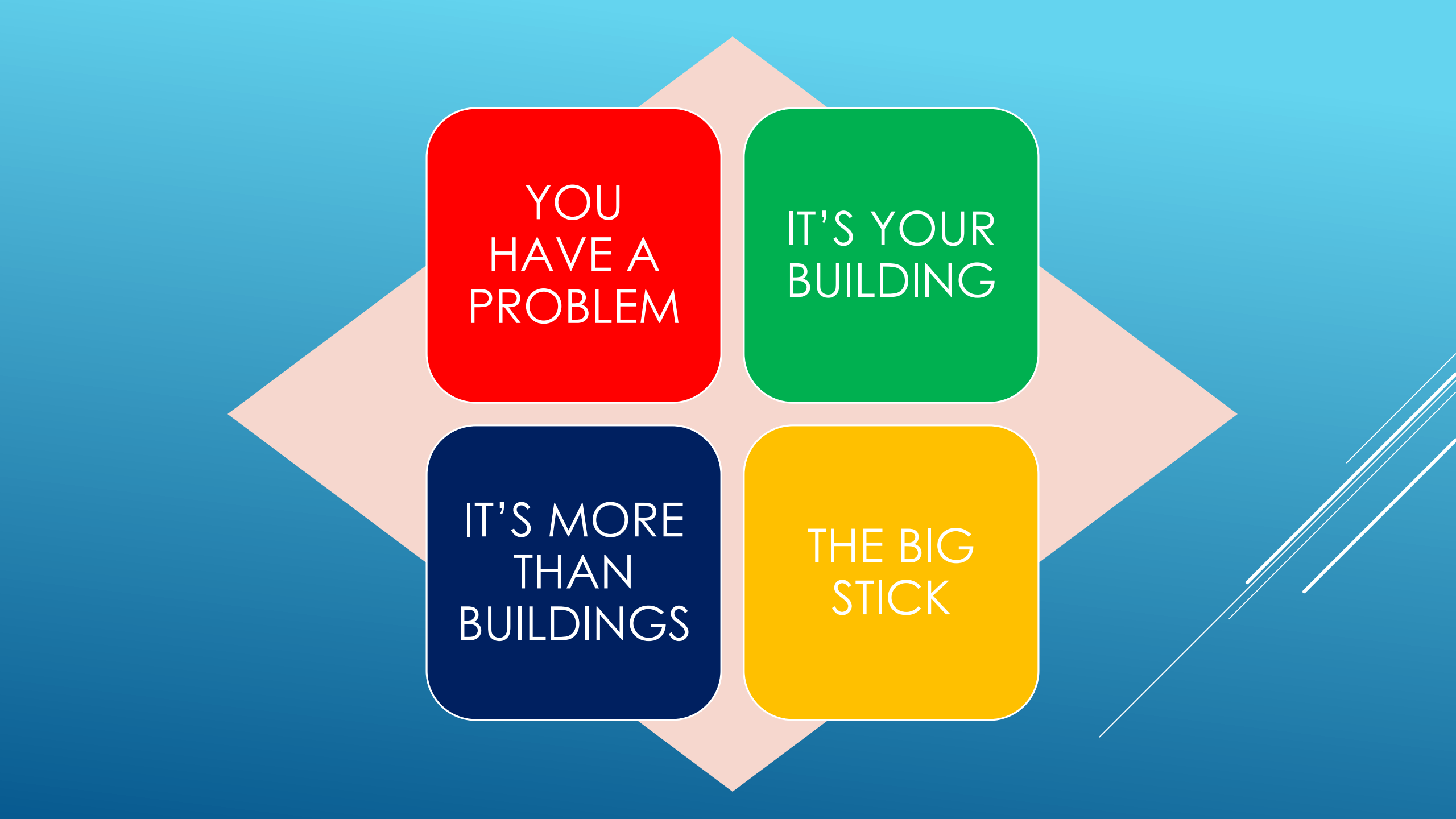
This presentation is intended to provide general information on regulatory and legal topics. The statements made are provided for educational purposes only.

If there are specific questions as to the application of the laws or regulations, please consult with the appropriate legal counsel.



**THE AMERICANS WITH
DISABILITIES ACT**





YOU
HAVE A
PROBLEM

IT'S YOUR
BUILDING

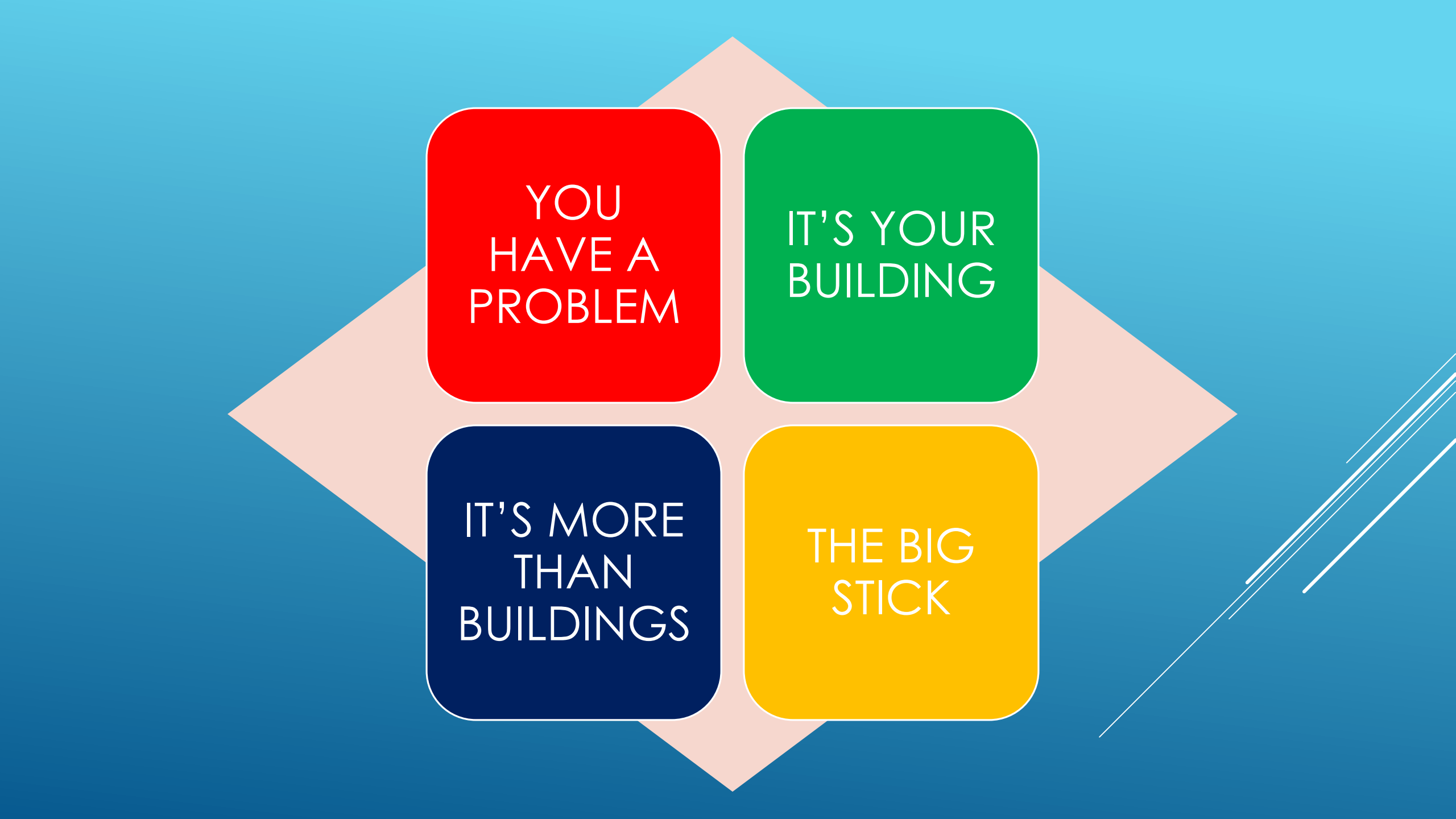
IT'S MORE
THAN
BUILDINGS

THE BIG
STICK

**Americans
with
Disabilities
Act**

**IF YOU PROVIDE
goods, services,
facilities, privileges,
advantages or
accommodations**

**TO ANYONE,
you must
provide the
same access
to EVERYONE**



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**IT
IS
YOUR
PROBLEM**

- ▶ Compliance is THE OWNER's responsibility
- ▶ ONGOING obligation to remove barriers
- ▶ No grandfathering
- ▶ Build it compliant, keep it compliant!

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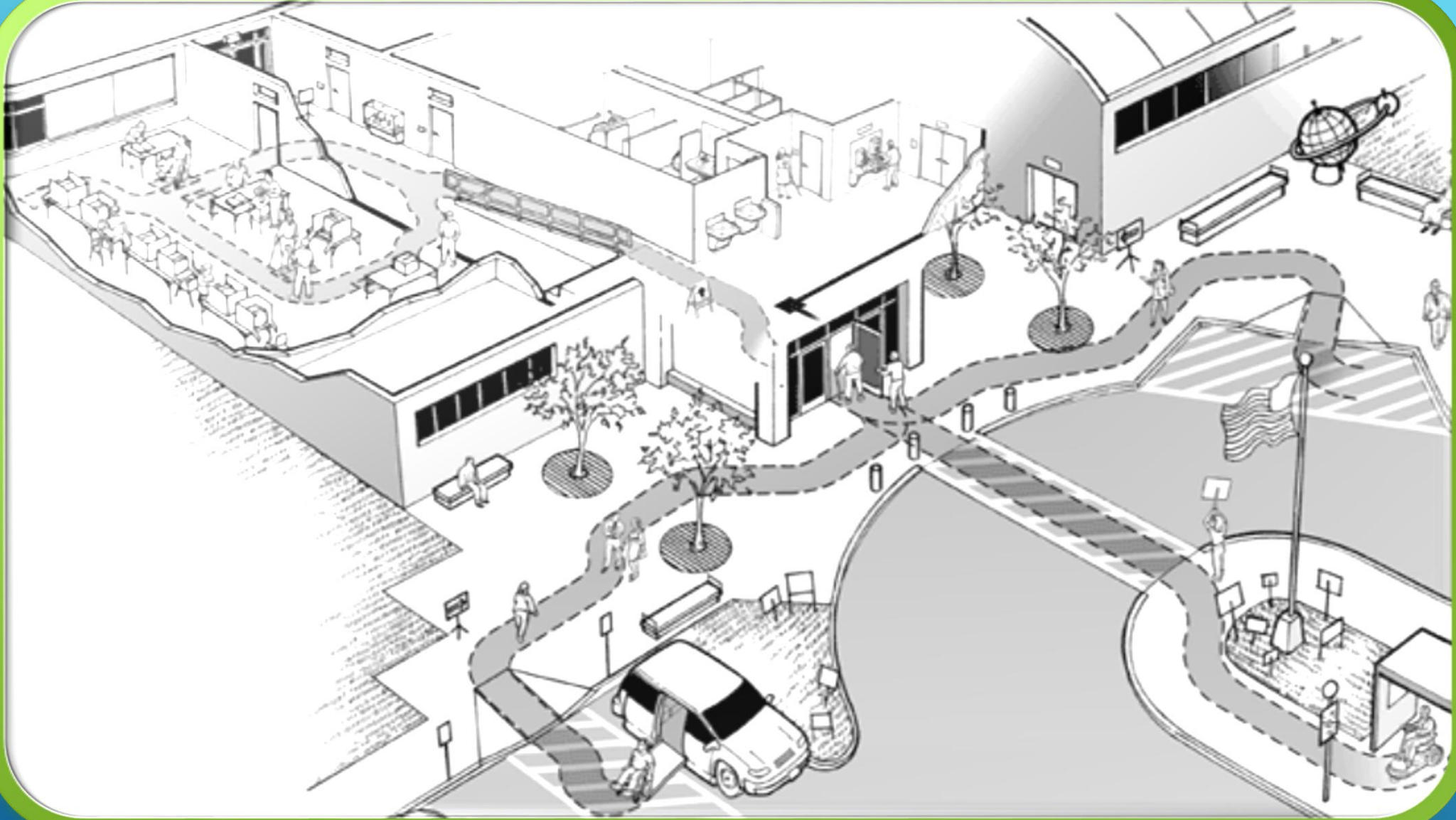
IT'S YOUR
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**Your building
MUST BE
accessible**

Accessibility BEGINS
at any public access
point and CONTINUES
throughout your
building



**Your building
MUST BE
accessible
TO
ALL**

If you provide it
IT MUST BE
accessible to all
...specific
regulations define
accessibility
compliance

**Build it
accessible
and keep it
accessible**

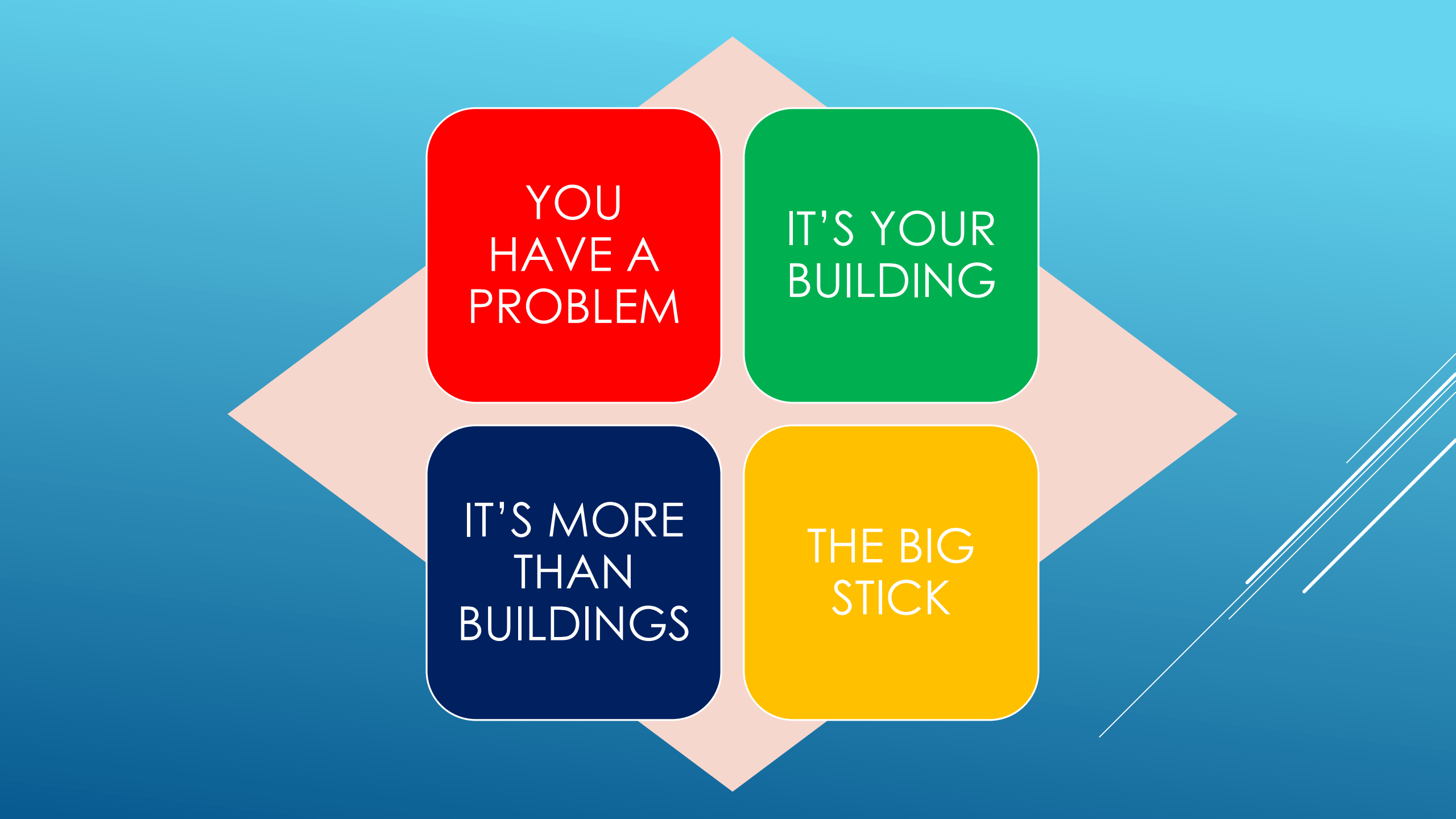
Parking



Reception



Rest Rooms



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- ▶ Service animals must be allowed
- ▶ Only two questions:
 - ▶ Is it because of your disability?
 - ▶ What task is it trained to perform?

It's communication



Animales de
servicio,
comunicación y
acceso a los
servicios

We speak your language
Hablamos su idioma
Nous parlons votre langue

LANGUAGE LINE

For interpretation help in 250 languages, call 575-2401 or 2401 from a white paging phone. This service is also available on your cell phone by dialing 801-575-2401.

LÍNEA DE IDIOMAS

Para ayuda de interpretación en 250 idiomas, llame al 575-2401 o al 2401 desde un teléfono blanco de cortésia. Este servicio también está disponible en su teléfono celular llamando al 801-575-2401.

TELEPHONE DE LANGUE

Pour obtenir l'aide d'un interprète dans l'une de 250 langues, composez le 575-2401 ou le 2401 à partir d'un téléphone blanc de messagerie. Ce service est aussi disponible sur votre téléphone portable en composant le 801-575-2401.



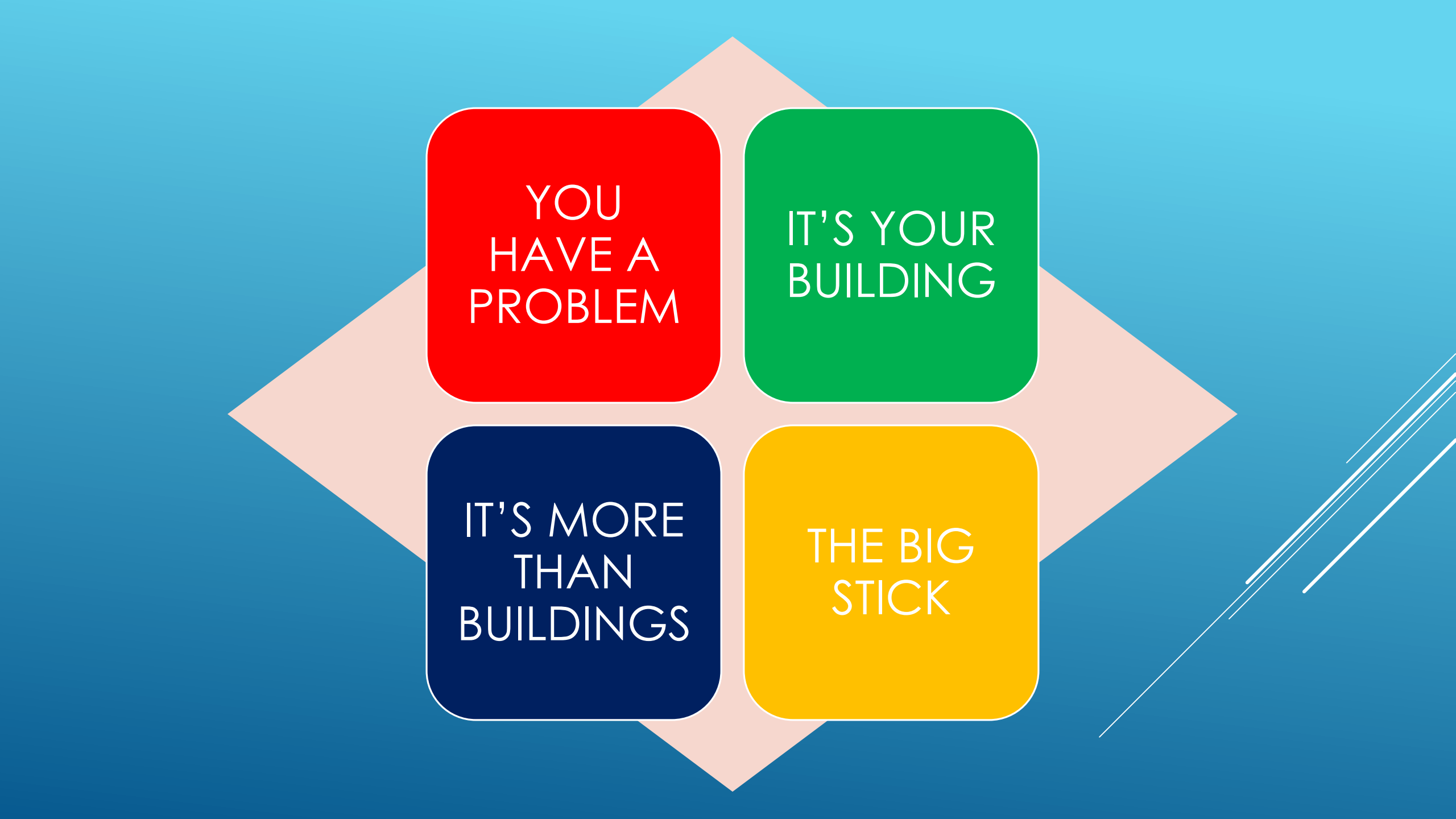
UbiDuo52
Wireless
No WiFi Needed



It's access to your services

- ▶ Electronic media (website, videos, etc.)
- ▶ Concerts, plays and all public programs must be accessible to persons with disabilities
- ▶ Including temporary venues





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Lawyers and Complaints

- ▶ Compliance is an owner's responsibility and cannot be contractually passed on to others
- ▶ A complaint is better than a LAWSUIT!!!

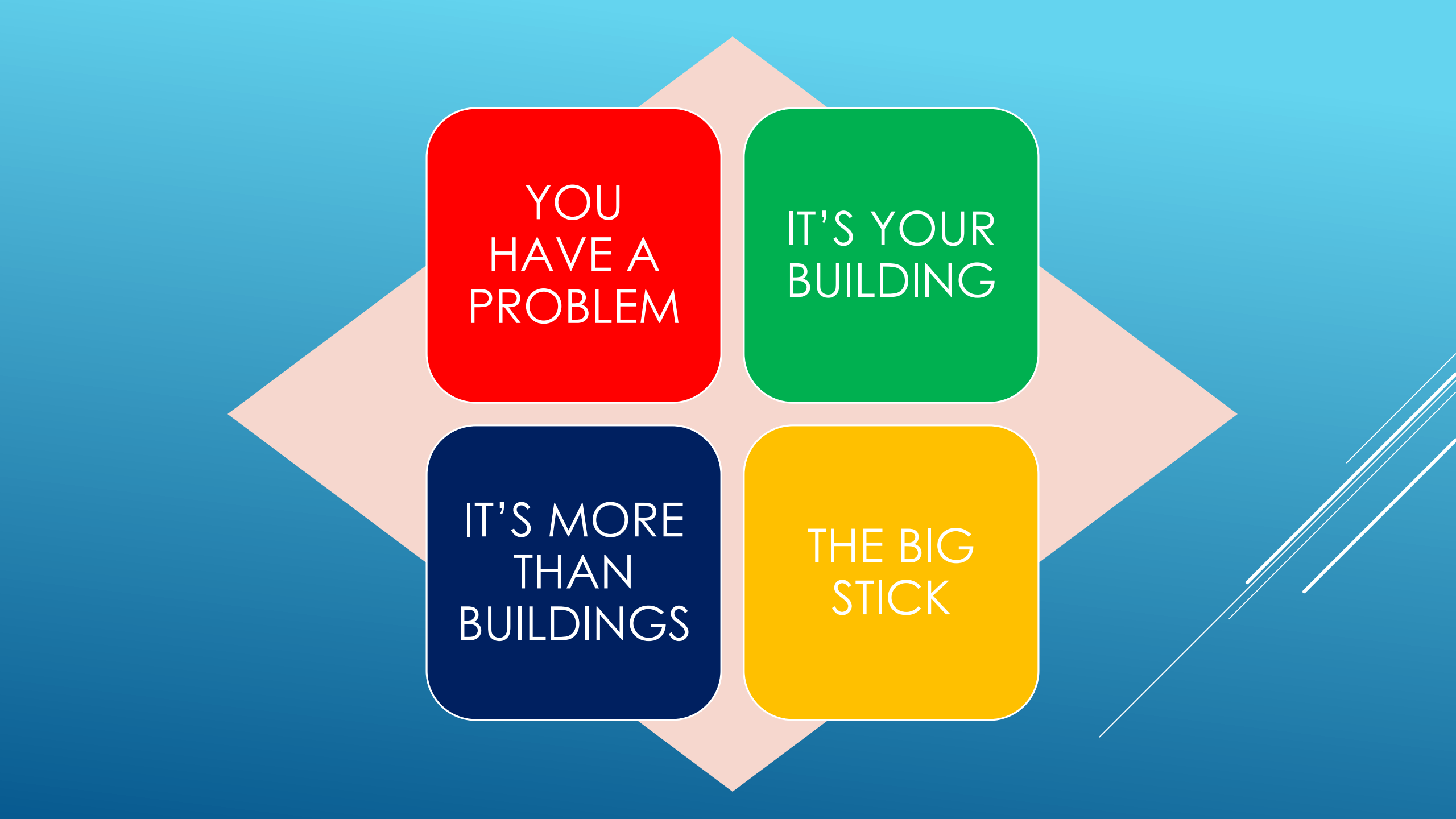
Money

- ▶ The typical range [JUST FOR DAMAGES] is

\$78,000 - \$240 million

Recent cases:

- ▶ Greyhound = \$375,000
- ▶ Redbox = \$1.2 million
- ▶ Macy's = \$3.5 million
- ▶ Target = \$6 million



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No animals
allowed!

7 Deadly Sins

- 1.No animals allowed
- 2.Follow the signs
- 3.We can't afford an interpreter
- 4.Does accessible parking really require an access aisle?
- 5.We don't have time to translate
- 6.All of our bathrooms are accessible – aren't they
- 7.We don't have any patrons with disabilities



Follow the
signs – that
misdirect
you...

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We can't
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interpreter
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What bus
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8. What bus stop?

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8. What bus stop?
9. We always assist people that need help.

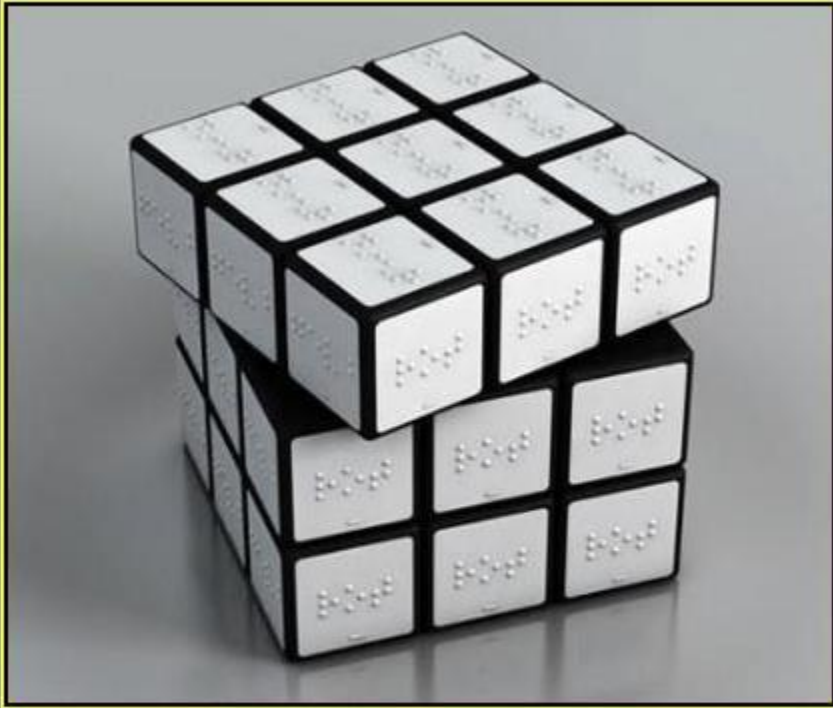


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**THE AMERICANS WITH
DISABILITIES ACT**

**What's
wrong with
this picture?**



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