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**REPORT of AUDIT  
and  
TRANSITION PLAN  
for  
DECATUR COUNTY  
HEALTH DEPARTMENT**

**For Compliance With The  
AMERICANS WITH DISABILITY  
ACT OF 1990**

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**for**  
**DECATUR COUNTY, INDIANA**  
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**For Compliance with the**  
**AMERICANS WITH DISABILITY ACT OF 1990**

**PREPARED FOR:**  
**BOARD OF HEALTH**  
**DECATUR COUNTY, INDIANA**

**AUGUST, 2013**

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# INTRODUCTION

The Americans with Disabilities Act of 1990 (ADA) was signed into law by then President George H. W. Bush on July 26, 1990 as Public Law 101-336 and On September 25, 2008 then President George W. Bush signed the ADA Amendments Act of 2008 into law as Public Law 110-325. The current law is codified at Title 42 of the United States Code, Chapter 126 and Title 47 of the United States Code, Chapter 5, Sections 225 and 611. The Act provides five Titles as follows:

- **Title I – Employment.** The ADA states that a covered entity shall not discriminate against a qualified individual with a disability, which applies to job application procedures, hiring, advancement and discharge of employees, workers' compensation, job training, and other terms, conditions, and privileges of employment.
- **Title II – Public entities (and public transportation).** The ADA prohibits disability discrimination by all public entities at the local (*i.e.* school district, municipal, city, county) and state level, which covers access to all programs and services offered by the entity. Access includes physical access described in the ADA Standards for Accessible Design and programmatic access that might be obstructed by discriminatory policies or procedures of the entity. Title II further applies to public transportation provided by public entities, which requires the provision of paratransit services by public entities that provide fixed route services. Title II also applies to all state and local public housing, housing assistance, and housing referrals.
- **Title III – Public accommodations (and commercial facilities).** The ADA states that no individual may be discriminated against on the basis of disability with regards to the full and equal enjoyment of the goods, services, facilities, or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation. Public accommodations include most places of lodging (such as inns and hotels), recreation, transportation, education, and dining, along with stores, care providers, and places of public displays, among other things.
- **Title IV – Telecommunications.** The ADA requires that all telecommunications companies in the U.S. take steps to ensure functionally equivalent services for consumers with disabilities, notably those who are deaf or hard of hearing and those with speech impairments, which led to installation of public Teletypewriter (TTY) machines and other TDDs (Telecommunications Device for the Deaf).
- **Title V – Miscellaneous provisions.** This Title includes technical provisions such as the fact that nothing in the ADA amends, overrides or cancels anything in Section 504 of the Rehabilitation Act of 1973, and additionally includes an anti retaliation or coercion provision.

This report addresses only Title II of ADA for the Decatur County, Indiana Health Department. Further, it reports only physical barriers found to exist or potentially exist in or on Health Department property.

The ADA was implemented through the promulgation of Title 28 of the code of Federal Regulations, Part 35, which provides the regulations for Title II. Also included is Title 28 of the code of Federal Regulations, Part 36, which provides the regulations for Title III, but more importantly includes the technical standards for the elimination of physical barriers. The original regulations were published in the Federal Register on July 26, 1991.

Section 35.150 states “(a) *General*. A public entity shall operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities.” It goes on to provide “(b) *Methods*—(1) *General*. A public entity may comply with the requirements of this section through such means as redesign of equipment, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternate accessible sites, alteration of existing facilities and construction of new facilities, use of accessible rolling stock or other conveyances, or any other methods that result in making its services, programs, or activities readily accessible to and usable by individuals with disabilities. A public entity is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section. A public entity, in making alterations to existing buildings, shall meet the accessibility requirements of § 35.151. In choosing among available methods for meeting the requirements of this section, a public entity shall give priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate.” This section of the original regulations was to have been fully implemented by January 26, 1995. Also, any building constructed or altered after January 26, 1992 was to have fully complied with the requirements of this regulation and the associated technical standards.

The regulations were revised in 2010. Those revisions were published in the Federal Register on September 15, 2010. Any building constructed or altered after March 15, 2012 was to have fully complied with the requirements of the revised associated technical standards.

## **STUDY METHODOLOGY and GENERAL OBSERVATIONS**

The study generally consisted of viewing the property office of the Decatur County Health Department. The Health Department office property was evaluated for the presence of access barriers utilizing the 2010 technical guidelines. It was deemed appropriate to utilize the most recent guidance so that as improvements are implemented over time, they will be in conformance with criteria likely to be applied at that future time. However, consideration was given to the 1990 technical guidance where doing so resulted in a more favorable interpretation of the compliance of the property relative to standards that were in place at the time of construction or alteration of the property. For elements that do not comply with the 1990 technical guidance, modifications need to be made to bring them into compliance as soon as practical. Elements that do not comply with the 2010 technical guidance are ones that will need to be brought into conformance with those standards when the property is reconstructed or altered.

As stated previously, this study addresses only Title II of ADA. Therefore, it evaluated the ability of the public to gain access to all services and programs offered by Decatur County Health Department relative to physical barriers to access. Where the public was not permitted access to an element of the Health Department property, such element was not reviewed for compliance. Examples of areas not included are storage areas accessed only by employees, break rooms restricted to use by employees, offices that the public are not permitted to enter, etc. It is important to understand that private offices not generally open to the public but where office holders or employees meet with members of the public were included in this study. An example is a private office where the public is not permitted to freely enter, but where meetings are held with members of the public. Generally, any space or elements where anyone not an employee is permitted to enter has been included in this study.

For each part of a facility that was inventoried, the office holder or one or more employees were consulted. The office holders or employees described the operations of the office and provided information about where the public needed to go or where the public was permitted access. That information was then used in determining what areas, offices, elements, etc. were included in the inventory.

An important feature of accessibility is having adequate clear space available. Often the clear spaces are for disabled individuals using wheel chairs. Generally, only permanent features were evaluated when determining if the required clear spaces were available, and this document generally only reports clear space deficiencies when they were the result of permanent encroachments. However, several instances were noticed where furnishings or storage of items encroached into the clear spaces. Those issues were not always reported because they can be transient in nature. While each item could address today's situation, a new office holder or employee could rearrange their space and inadvertently encroach on some required clear spaces. The most common required clear spaces are as follows:

- **Clear Width for Accessible Route** is 36", with some sections less than 24" in length being reduced to 32".
- **Turning Space** is generally a 60" diameter circle.

- **Clear Floor or Ground Surface** is an area a minimum of 30” wide by a minimum of 48” long. This space is generally required as an approach to features such as lavatories, water fountains, elevator call buttons, etc.
- **Maneuvering Clearances at Manual Swinging Doors** varies by whether the approach to the door is straight into the door versus from one side or the other and whether the door swings towards the person or away from them. For a door swinging towards the individual passing through it, an 18” maneuvering space beyond the latch side of the door is required. For a door with a latch and closer swinging away from the individual passing through it, a 12” maneuvering space beyond the latch side of the door is required.

Often, small light objects could be moved from these locations to provide proper passage for a disabled individual on an as needed basis. However, a better resolution would be to educate everyone about the reason for maintaining those areas clear of any objects.

One other situation that may be difficult to maintain compliance with the guidelines was noted. Objects hung on walls along accessible routes can protrude into the required clear space for the accessible route. This situation can be difficult for visually impaired individuals. When the object is mounted with its bottom greater than 27” above the floor and protrudes more than 4 inches from the wall, an individual using a cane may not detect the protruding object and may walk into it. Some wall mounted objects such as fire extinguishers and first aid cabinets were observed which created this deficiency. Those types of objects are ones that can easily be installed or relocated. When decisions are made to install similar items, care needs to be taken to ensure they are not an access barrier for some individuals.

## AUDIT OF DECATUR COUNTY HEALTH DEPARTMENT OFFICE

The Decatur County Health Department property was audited to determine its conformance to the ADA guidance. Where a property had distinct offices within it, those offices were audited separately. The following discussion presents the results of the audit. It is organized by office or space where appropriate.

### Decatur County Health Department:

#### **Parking Lot and Entrances:**

Deficient Item	2010 Standards	Applicable Standards	Remarks	Estimated Cost	Year of Work
Sign for accessible parking space	Deficient	Deficient	Sign identifying accessible parking space is required and a van accessible plaque beneath the sign is required. No such signs were present. It is recommended that the accessible parking sign with van accessible plaque be installed.	\$225	2014 to 2018
Vertical change in level at main entrance	Deficient	Deficient	Maximum vertical change in level permitted is 0.5" and then only if 0.25" of it are sloped at 2:1. Vertical change in level just outside front entrance of 0.75" was present. Recommended that concrete walk outside front entrance be replaced without the vertical change in level.	\$1,200	2019 to 2023
Closing time for exterior front door	Deficient	Acceptable	The 2010 ADA Standards for Accessible Design requires a minimum time to close from 90° to 12° from the latch of 5 seconds. The 1990 ADA Standards for Accessible Design requires a minimum time to close from 70° to a location 3 inches from the latch of 3 seconds. The closing time utilizing the 2010 ADA Standards for Accessible Design was 3.7 seconds and utilizing the 1990 ADA Standards for Accessible Design was 3.1 seconds. No action is recommended.	\$0	

Smooth surface at bottom of exterior front door	Deficient	Acceptable	The 2010 ADA Standards for Accessible Design requires swinging door surfaces within 10" of the finish floor shall have a smooth surface on the push side. The 1990 ADA Standards for Accessible Design had no such requirement. The smooth surface at the bottom of the door was only 5" high. No action is recommended.	\$0	
Closing time for interior front door	Deficient	Acceptable	The 2010 ADA Standards for Accessible Design requires a minimum time to close from 90° to 12° from the latch of 5 seconds. The 1990 ADA Standards for Accessible Design requires a minimum time to close from 70° to a location 3 inches from the latch of 3 seconds. The closing time utilizing the 2010 ADA Standards for Accessible Design was 2.6 seconds and utilizing the 1990 ADA Standards for Accessible Design was 5.1 seconds. No action is recommended.	\$0	
Opening force for interior front door	Deficient	Deficient	The ADA Standards for Accessible Design requires a maximum opening force of 5 pounds for non-fire doors and that fire doors be the minimum force permitted by the fire code. The Indiana Fire Code requires swinging fire doors shall close from the full-open position and latch automatically and that the door closer shall exert enough force to close and latch the door from any partially open position. The force required to open the door was 6½ pounds. It is recommended that the door closer be adjusted to provide a maximum force required to open the door of 5 pounds or the minimum force required to close and latch the door.	\$25	2014 to 2018
Smooth surface at bottom of interior front door	Deficient	Acceptable	The 2010 ADA Standards for Accessible Design requires swinging door surfaces within 10" of the finish floor shall have a smooth surface on the push side. The 1990 ADA Standards for Accessible Design had no such requirement. The smooth surface at the bottom of the door was only 5" high. No action is recommended.	\$0	

Exit sign for interior front entrance	Deficient	Deficient	Exits on accessible routes are required to have compliant signs identifying the exit. The exit did not have a sign conforming to the requirements. It is recommended that a compliant sign be installed.	\$55	2019 to 2023
Vertical change in level at rear entrance on South of building near West end	Deficient	Deficient	Maximum vertical change in level permitted is 0.5" and then only if 0.25" of it are sloped at 2:1. Vertical change in level from parking lot pavement up onto concrete stoop was 3". Recommend that asphalt for parking lot be ramped up at a slope of 1:20 or flatter to eliminate vertical change.	\$350	2014 to 2018
Maneuvering clearance at outside of rear entrance on South of building near West end	Deficient	Deficient	Maneuvering clearance beyond the latch side of a door of 24" for a parallel approach from the latch side of a door with a closure. The door had only 12" beyond its latch side to the edge of the concrete stoop. It is recommended that when the parking lot pavement is wedged up to the stoop level as recommended above, 12" additional beyond the edge of the concrete stoop on the latch side of the door be wedged up to the elevation of the stoop and level with the stoop.	\$0	2014 to 2018
Closing time for rear entrance door on South of building near West end	Deficient	Deficient	The 2010 ADA Standards for Accessible Design requires a minimum time to close from 90° to 12° from the latch of 5 seconds. The 1990 ADA Standards for Accessible Design requires a minimum time to close from 70° to a location 3 inches from the latch of 3 seconds. The closing time utilizing the 2010 ADA Standards for Accessible Design was 2.2 seconds and utilizing the 1990 ADA Standards for Accessible Design was 2.4 seconds. It is recommended the door closer be adjusted to provide a closing time required by the standards.	\$95	2014 to 2018
Smooth surface at bottom of rear entrance door on South of building near West end	Deficient	Acceptable	The 2010 ADA Standards for Accessible Design requires swinging door surfaces within 10" of the finish floor shall have a smooth surface on the push side. The 1990 ADA Standards for Accessible Design had no such requirement. The smooth surface at the bottom of the door was only 9" high. No action is recommended.	\$0	

Exit sign for rear entrance door on South of building near West end	Deficient	Deficient	Exits on accessible routes are required to have compliant signs identifying the exit. The exit did not have a sign conforming to the requirements. It is recommended that a compliant sign be installed.	\$55	2019 to 2023
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**Lobby and hallway:**

Deficient Item	2010 Standards	Applicable Standards	Remarks	Estimated Cost	Year of Work
Drinking fountain for standing person	Deficient	Deficient	Where an accessible drinking fountain is provided, a drinking fountain for a standing person is also required to be provided with a spout elevation between 36" and 43" above the floor. No such drinking fountain was provided. It is recommended that either a second drinking fountain be provided with the spout at the required height, or the existing drinking fountain be replaced with one having "hi-lo" spouts.	\$1,000	2024 to 2028
Door widths from hallway into inner offices	Deficient	Deficient	Minimum width of doorway is required to be 32". Four doors into inner office were too narrow. Only double leafed door into conference had the minimum 32" width. Recommend that remaining doors be replaced with doors of adequate width.	\$1,7500	2019 to 2023
Width of door from rear hallway into garage	Deficient	Deficient	Door is required to have a minimum width of 32". The door has a clear width of only 29.5" wide. Recommend the door be replaced with a door providing the minimum width of 32".	\$500	2019 to 2023
Threshold height for door from rear hallway to garage	Deficient	Deficient	Maximum permitted height of threshold is 0.5". Threshold was higher than the minimum 0.5" required. Recommend that when door is replaced as recommended above, the threshold for the new door be no higher than 0.5" and properly beveled.	\$140	2019 to 2023

**Small Meeting Room:**

Deficient Item	2010 Standards	Applicable Standards	Remarks	Estimated Cost	Year of Work
Door hardware on door from hallway into meeting room	Deficient	Deficient	The door is required to have operating hardware that does not require tight grasping, pinching, or twisting of the wrist. The door had spherical knobs that do not satisfy this requirement. It is recommended that door be equipped with lever type hardware for the latch.	\$100	2014 to 2018
Closing time for door from hallway into meeting room	Deficient	Acceptable	The 2010 ADA Standards for Accessible Design requires a minimum time to close from 90° to 12° from the latch of 5 seconds. The 1990 ADA Standards for Accessible Design requires a minimum time to close from 70° to a location 3 inches from the latch of 3 seconds. The closing time utilizing the 2010 ADA Standards for Accessible Design was 2.9 seconds and utilizing the 1990 ADA Standards for Accessible Design was 3.2 seconds. No action is recommended.	\$0	
Exit sign for door from hallway into meeting room	Deficient	Deficient	Exits on accessible routes are required to have compliant signs identifying the exit. The exit did not have a sign conforming to the requirements. It is recommended that a compliant sign be installed.	\$55	2019 to 2023
Counter as a protrusion into an accessible route	Deficient	Deficient	Protrusions with their bottoms more than 27" above the floor are required to protrude no more than 4". The counter at the serving window from the kitchen area is higher than 27" above the floor and protrudes 13" from wall. Recommend that the bottom of the serving shelf be extend down so it is no more than 27" above the floor.	\$875	2024 to 2028

**Restroom:**

Deficient Item	2010 Standards	Applicable Standards	Remarks	Estimated Cost	Year of Work
Mirror height	Deficient	Deficient	Maximum height to bottom of the reflective surface of the mirror is required to be no more than 40" above the floor. The bottom of the reflective surface of the mirror was 49.5" above the floor. Recommend that the mirror be lowered to the correct height above the floor.	\$25	2014 to 2018
Paper towel dispenser mounting height	Deficient	Deficient	Maximum permitted height of reach for a forward approach is 48" above the floor or 44" if reaching over an object 20" to 25" in width. Operating control for dispenser was mounted 57" above the floor. Recommend that paper towel dispenser be lowered to a height of the operating controls of 44" above the floor. The final mounting height will be dependent upon the final location of the dispenser relative to other features.	\$25	2014 to 2018
Clearance at water closet	Deficient	Deficient	The 1990 ADA Standards for Accessible Design requires a minimum width from the side wall of 60", but permits a lavatory located on the back wall to be a minimum of 18" from the centerline of the water closet. The 2010 ADA Standards for Accessible Design requires a minimum width from the side wall of 60", but does not permit the encroachment by a lavatory. The clear distance from the centerline of the water closet to the edge of the lavatory was 17". Recommend that the lavatory be relocated to a position in the room that does not encroach on the clearance at the water closet per the 2010 ADA Standards for Accessible Design. Doing so would likely require the elimination of the door from the restroom into the storage room to the south.	\$1,900	2014 to 2018
Water closet seat height	Deficient	Deficient	Water closet seat height is required to be a minimum of 17" above the floor. The seat height was 15" above the floor. Recommend that the water closet be replaced with one of a conforming height.	\$1,200	2014 to 2018

Grab bars for water closet	Deficient	Deficient	Grab bars are required for the rear and side walls at the water closet. No grab bars were present. Recommend that conforming grab bars be installed.	\$375	2014 to 2018
Water closet flush control location	Deficient	Acceptable	The 2010 ADA Standards for Accessible Design requires that the flush control be mounted on the open side of the water closet and recommends that it not be mounted on the front of the tank. The 1990 ADA Standards for Accessible Design had no requirements for the location of the flush control. Recommend that the new water closet recommended above have the flush control located on the side of the tank on the wide side of the clear space.	\$0	2014 to 2018
Toilet paper dispenser location	Deficient	Acceptable	The 2010 ADA Standards for Accessible Design requires that the dispenser be located from 7" to 9" in front of the water closet. The 1990 ADA Standards for Accessible Design had no requirement for horizontal placement of the dispenser. The dispenser was located 2.5" in front of the water closet. Recommend that the toilet paper dispenser be relocated so that its centerline is 8" in front of the water closet.	\$25	2014 to 2018
Knee and toe room below lavatory	Deficient	Deficient	Knee and toe room is required beneath a lavatory to permit a front approach. The lavatory was on a base cabinet which permitted no knee or toe clearance and did not permit a forward approach. It is recommended that the existing lavatory be replaced with a wall mounted unit conforming to applicable standards and that it be relocated to provide clearance at the water closet as recommended above.	\$650	2014 to 2018
Lavatory rim height	Deficient	Deficient	The maximum height of the rim of the lavatory is 34" above the floor. The lavatory rim was 36" above the floor. Recommend that the new wall mounted lavatory recommended above mounted with the rim height no more than 34" above the floor.	\$0	2014 to 2018
Restroom sign for accessible restroom	Deficient	Deficient	Accessible restrooms are required to have compliant signs identifying them. The restroom did not have a sign conforming to the requirements. It is recommended that a compliant sign be installed.	\$45	2014 to 2018