

FROM: Association for DisAbled Americans Inc.

PMB #196

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**Free Matter for the Blind
or Physically Handicapped
Post Manual 138**

To:

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THE PRESIDENT'S MESSAGE:

Hurricane Survival with a Disability by Michelle Wisniewski

- After Bangladesh, South Florida is the most likely place on the planet for a person to drown in a hurricane storm surge.
- Most hurricane related deaths occur in the storm's aftermath.
- Though things are improving, no governmental agency is yet adequately prepared to keep large numbers of disabled citizens alive in the event of a major hurricane strike in a heavily populated area.

These disturbing facts were brought to light in a conference on Hurricane Survival for Disabled People I directed last April in Key West. The bloated corpses of New Orleans after Katrina, like macabre Mardi Gras floats, were often shown with nearby empty wheelchairs. The Federal, State and local experts gathered for this seminar all had one message: evacuate or die.

As the hurricane horrors in 2004 and 2005 have amply demonstrated, Mother Nature is on a decade long rampage with unprecedented numbers and levels of violence in the storms coming our way. As Wilma showed us, these monsters can actually strengthen while passing over wet, flat South Florida. Roofs come off, power lines go down, storm surge flooding and wind driven waves destroy homes. High rise buildings without power, water or windows become hot, miserable concrete cells trapping us without food water or toilets. Mobile homes and trailers are simply obliterated. Vehicles that survive the storm surge and generators cannot find gasoline at powerless pumps. Water supplies become contaminated with raw sewage. Bridges are destroyed and highways are under water. Cell phones stop working due to storm damage to transmission equipment. Those of us dependant on electricity, oxygen, and refrigerated medicines are in big trouble and no one is coming to help for quite a while.

The decision to evacuate, especially for those of us with severe disabilities, is life or death. No quibbles. No excuses. Just GO!

Doing nothing will kill you.

Yes, people die in the stress of evacuation and sheltering. Twenty have died in Monroe County just from evacuations in the last two years without a major storm strike here. Many, many more would perish from trying to ride out a category 3, 4 or 5 storms.

Your pet is not worth your life.

Your property is not worth your life.

You cannot evacuate alone. Get help. Prepare.

At another conference, Max Mayfield, Director of the National Hurricane Center asked me how I managed to survive a decade in the Lower Florida Keys. My answer was I move out of harm's way by evacuating early and often.

My preparation began before I moved here in 1996. Having seen the carnage wrought by Andrew in 1992, I had a healthy fear of the downside of paradise. I came here with an able companion who later I married. We rent a concrete block structure elevated to 16' above mean high tide. I use an elevator-like wheel chair lift to get into my home. After Category 2 Georges, in 1998, flooded our ground level storage and damaged the

roof shingles, our new roof is screwed-down metal. Storm shutters are now present around the house. We have a wonderful landlord and neighbors who help us prepare. I have good pictures of my home's contents on a disc for possible insurance claims.

I use a scooter and 24/7 oxygen. I have spares of everything for emergencies. During hurricane season I keep a two week supply of oxygen in my lift van for evacuation and another two week supply in my home. I also maintain at least a 30 day supply of all my medicines ready to travel. My van gets a thorough servicing and new batteries and tires every hurricane season. I maintain the gas tank full enough to get me to the mainland all season long. I am listed with my county's Special Needs Registry should I require their help. This is essential so the authorities know I'm here and can plan for my evacuation.

Information is a critical part of my preparedness. The web is the best source of current information. The National Hurricane Center <http://www.nhc.noaa.gov/> and National Weather Service <http://www.srh.noaa.gov/mia/> lead my list followed by my county site and other sources TV and radio. The National Organization on Disability's Disaster Preparedness Initiative <http://www.nod.org/> is also a good source of information. I keep a NOAA portable radio with me for info once I've left home.

Evacuate early as instructed by your Emergency Management Office.

After tourists, mobile homes and special needs are next out in a mandatory evacuation. Special Needs means people with disabilities. That's us. Leave now!

Go as far as you are told to go to be safe. Take cash, checkbooks, irreplaceable documents and photos with you.

All of our disabilities require evacuation and sheltering solutions tailored to our special needs. Your preparations must meet your requirements.

Hurricane prediction is not yet an exact science especially in strength forecasts. The storm you ignore will be the one that gets you. We are all at risk in this part of the planet.

Be prepared.

Have help.

Go early. Keep away until it is safe to return.

Stay alive to enjoy the rest of your life.

HOSPITALS, if no accessibility there, then where?



Unfortunately, hospitals are for the infirm and ill. People who have sustained traumatic injuries inevitably encounter hospital stays for surgeries, physical therapy, outpatient treatment and ultimately rehabilitation. Nearly all of us have spent more time there than we would choose. Many individuals are either permanently or temporarily deemed as disabled. Therefore, it stands to reason that hospitals are cognizant that they are dealing with many individuals with disabilities. Understanding that basic premise, one would reasonably assume that hospitals have dealt with requirements under barrier removal. Barriers can abound in doorway entries, restroom stalls, heights of dispensers, drinking fountains, coat hooks, raised commodes, dressing rooms, elevators, disabled parking and signage. BUT, amazingly, most hospitals have failed to make some of the most basic of remedial enhancements. That's why the Association for Disabled Americans has litigated against Jackson Memorial Hospital, Imperial Point Hospital, Mount Sinai Hospital, Holy Cross Hospital, Fishermen's Hospital, Lower Keys Medical Center and Bascom Palmer Institute. Separate litigation

from other advocacy organizations has occurred with a class action against both Columbia Hospital Systems (Cedars Hospital) and Ambulatory Surgery Center Group, Ltd.

Why then, aren't hospitals living up to their ongoing obligation? They are required to provide accessibility enhancements through barrier removal in their facilities that cater to the many disabled? One common excuse is a budgetary constraint. The same type of excuse many large & small governmental entities use. However, that doesn't answer why they can't do those things that are easily accomplished and require minimal funds. Lowering paper towel and toilet seat dispensers, providing accessible faucet controls, lowering coathooks or removing a toilet stall partition to allow for adequate maneuvering by an individual in a wheelchair. Other simple maintenance fixes are adjusting door resistance and delay, and restriping areas of parking lots to provide for compliant numbers and properly configured disabled parking spaces.

So how shall the disabled community address the dichotomy of poor accessibility in what should be exemplary facilities? Hospitals are dealing with disabilities on a daily basis. Undoubtedly, the word has spread through the medical community regarding litigations with hospitals.

When someone of our disabled community has the unfortunate circumstance of hospitalization, if you use a wheelchair and are not in an accessible patient room, you must ask for its availability. Accessible patient rooms should provide for lowered clothes rods in closets, and most importantly, accessible restroom facilities. We are talking about access under the sink, enough space to turn around and maneuver in the restroom, the ability to get next to the commode to complete a transfer, and either a tub with a secured fold down seat, two sets of grab bars and a handheld showerhead or preferably, a roll-in shower again with a fixed fold down seat adjacent to the controls, with grab bars and a handheld showerhead.



And if they don't, make sure that someone towards the top of the hierarchy in the administration is informed of those required accessible elements. Get their name and find out how you file a formal complaint with their administration. Then, seek some viable time frames for some of the improvements. Make sure they're addressing those issues that are easily accomplished as delineated above. And if they don't follow-through, then fulfill your moral obligation. Each of us has an obligation to ourselves and to those that follow us, the elderly, the newly injured, the already disabled and children with disabilities. Do something so that they won't have to endure the same discriminatory facilities. Stand up for your civil rights and the rights of others. Compel them to make those changes through involving our Association or yourself in litigation. If hospital administrations can't find the wherewithal to comply with the Federal and State Laws, then we can provide the impetus to make them make those changes. Apathy accomplishes very little. Advocacy can change our small part of the world to make it a better place in places where it should already be better than most. Hospitals.





GOOD THINGS TO KNOW

There is no thing such as “grand fathered”, every commercial facility is required to provide access through some means.

A permanently installed TDD (Teletype Display Device) is *required* if an interior public pay telephone is provided in a stadium or arena, in a convention center, in a hotel with a convention center, or in a covered mall.

Every municipality with 50 or more employees is *required* to have an ADA coordinator and transition plan to remove barriers unless no barriers exist.

“Over the road” (i.e. Greyhound) bus companies *must* provide a bus with a lift when requested 48 hours in advance.



Notices given to many locations educates businesses

One of the pro bono educational services provided by the Association is through the assistance of it's counsel, members and consulting experts achieving corrective measures without litigation by providing detailed lists of barriers sent by one of the association Counsels. •The Square Grouper Grill, Cudjoe Key •Sunset Margarita, Key West• Antonia's Restaurant, Key West •Hurricane Hole, Stock Island •Duncan Auto, Key West •Tradewinds Plaza, Key Largo• Sheraton Suites, Key West •St. Thomas University, Miami• Southernmost Hotel on the Beach, Key West •Red Garter Saloon, Key West •Moontide Plaza, Cudjoe Key, Mangrove Mamas, Upper Sugarloaf Key• Wreck Riverfront Bar & Grill, Daytona• North Beach Physical Therapist, Miami Beach•The Key West Butterfly & Nature Conservatory Wings of Imagination, Inc. • DoubleTree Grand Key Resort, 3990 South Roosevelt Boulevard, Key West• Human Services Coalition of Dade County • Fresh Market, Coconut Grove• are but a few.



Association Business Matters

The Association is attempting to update its membership list, e-mail addresses, phone numbers and disability. Please go online to update this information or forward the postage free membership located on page 6. Nominations are also needed for involved advocates to serve on the Board of Directors. Interested individuals or nominations can be made through the Association e-mail address:

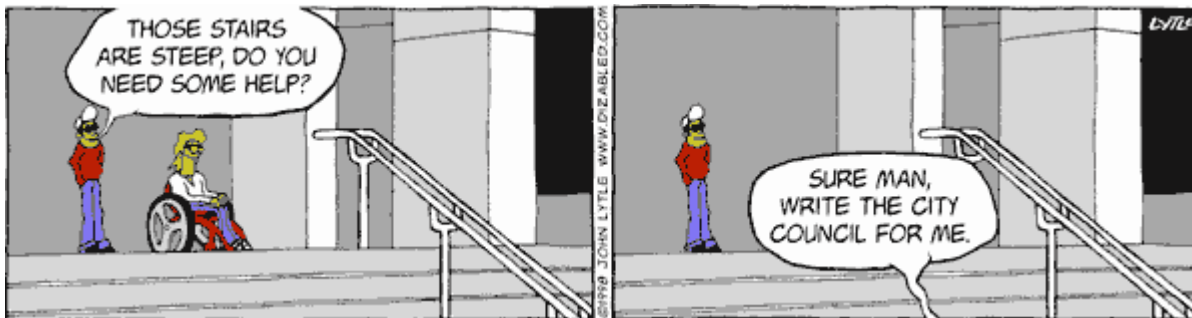
[mailto: ada2000@poboxes.com](mailto:ada2000@poboxes.com)

The Association has had its completed 501(c)3 application pending for many months now. The Association has also spent modest funds to overhaul and upgrade the web site. Navigation, content, resources and forms have all been updated and revised. A CPA is overseeing the Associations Trust account for all administrative deposits and disbursements. Plaintiffs that attend depositions, court and/or mediations receive a per diem reimbursement. Funds are replenished from enforcements where defendants have not done required barrier removal, from reimbursement of administrative expenses in the stipulation agreements and charitable donations.

The Association is looking to assist our Veterans in Medical facilities and bases. There is deplorable access at most of these facilities. Involved members can compel the Government to make these changes for those who have sacrificed much for our country only to return and receive second-class citizenry. Become a member and describe your access issue for assessment towards possible litigation to compel compliance with the requirements. Be a part of the solution.

The ADA is the **first and largest** Association in the southeast, to litigate ADA cases beginning in 1995. The organization represents the **largest geographic area** covering two states. Membership exceeds 245 individuals. No other Association has filed with as many different plaintiffs and organizations. To date, the **ADA**, and **more than 50, yes 50** different named individuals and organizations, have been involved in over **324 civil suits**. These suits can only seek compliance and not punitive damages. When stipulation agreements are violated liquidated damages are sought.

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COMPLAINT FORM

NAME OF LOCATION _____

ADDRESS _____

CITY _____ Zip _____

PROBLEM _____

DATE of ENCOUNTERING BARRIER _____

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Mail this form to: **Association for DisAbled Americans Inc.**
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Membership Form

Online Member Application

NAME: _____

ADDRESS: _____

CITY _____ **STATE** _____ **ZIPCODE** _____

PHONE: 1-(____)-_____ **FAX:** 1-(____)-_____

E-MAIL or Internet address _____

DISABILITY: _____

A physical or mental impairment that substantially limits one or more of the major life activities of such individual. Required for standing in civil actions.

DATE: _____

Direct authorization will be obtained prior to any individual being used as a named plaintiff. How did you hear about us? _____

Like to volunteer? Email or write us. W3C conversion of our newsletter and Website and occasional courier service volunteers needed.

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NOTABLE QUOTABLE'S

"The plight of people with disabilities reflected nothing less than a "regime of state mandated segregation... that in its virulence and bigotry rivaled, and indeed paralleled, the worst excesses of Jim Crow." Supreme Court Justice Thurgood Marshall 1985

" The fight must go on. The cause of civil liberties must never be surrendered at the end of one or even one hundred defeats." - Abraham Lincoln

"A disability does not define the individual -- rather it is but one of the many unique characteristics the person embodies." - Paul G. Hearne, Advocate and visionary leader.

"I cannot teach anybody anything, I can only make them think." Socrates (470-399 BC)

"Society's myths and fears about disability and disease are as handicapping as are the physical limitations that flow from actual impairments." The U.S. Supreme Court

"Never believe that a small group of people can't change the world...indeed, they are the only ones who do." Margaret Mead

"We should consider integration like pregnancy; you are or you aren't!" M. Cerreto 1998

"WE MUST BE THE CHANGE WE WISH TO SEE IN THE WORLD" --Ghandi

"The hottest places in hell are reserved for those who, in times of great moral crisis, maintain their neutrality" Dante

"The man who removes a mountain begins by carrying away small stones." Chinese Proverb

"The only way to discover the limits of the possible is to go beyond them into the impossible." - Arthur C. Clarke

"The past cannot be changed. The future is yet in your power." - Mary Pickford

"The future belongs to those who prepare for it today." - Malcolm X

"No country, no matter how rich, can afford to waste its human resources." FDR

"Good laws, if they are not obeyed, do not constitute good government." -- Aristotle (384-322 BC), Politics

"The hottest places in hell are reserved for those who, in times of great moral crisis, maintain their neutrality" Dante

"The future lies before you, like paths of pure white snow. Be careful how you tread it, for every step will show." - Source Unknown

"Whatever you do may seem insignificant, but it is most important that you do it." -- Gandhi

"Don't Wait Till Tomorrow To Do The Must Of Today Which Was Needed Yesterday!"

"Separate educational facilities are inherently unequal. This inherent inequality stems from the stigma created by purposeful segregation which generates a feeling of inferiority that may affect their hearts and minds in a way unlikely ever to be undone." Chief Justice Earl Warren May 17 1954.

"Great souls are they who see that spiritual is stronger than material force, that thoughts rule the world."

"Even Hell rejects those who remain neutral in a time of great crisis."

"The more you complain, the longer God lets you live."

"WE MUST BE THE CHANGE WE WISH TO SEE IN THE WORLD" --Ghandi

"The worst of all fears, is the fear of life." Teddy Roosevelt

"The man who removes a mountain begins by carrying away small stones." Chinese Proverb

"The only way to discover the limits of the possible is to go beyond them into the impossible." - Arthur C. Clarke

"The past cannot be changed. The future is yet in your power." - Mary Pickford

"The future belongs to those who prepare for it today." - Malcolm X

"Hold your head high, stick your chest out. You can make it. It gets dark sometimes but morning comes... Keep hope alive."—Jesse Jackson.

"The hope of the world is still in dedicated minorities. The trailblazers in human, academic, scientific, and religious freedom have always been in the minority." ~ Martin Luther King, Jr.

"The reasonable man adapts himself to the world; the unreasonable one persists in trying to adapt the world to himself. Therefore, all progress depends on the unreasonable man." -George Bernard Shaw



Recent Settlement Agreements

First State Bank (5 Branches), Fisherman's Hospital, Lower Keys Medical Center, Heritage House, Key West, Gingerbread Gallery, Key West, Boondock's Ramrod Key, Rainbarrel Gallery Islamorada, Wave Gallery White Street, Sugarloaf Strip Plaza, Jacaranda (Plantation), Mt. Sinai Hospital, Greyhound Bus, Rusty Pelican, Shops of Ships Way (Big Pine Key), Robert's Fruit Stand (Homestead), Kendall Executive Center, Marquesa Hotel and Restaurant, Key West, Duval Square, Key West, flamingo Crossing, Key West, 11 different restaurants in Key West, and the Yankee Freedom II, a ferry between Key West and the Dry Tortugas, have all reached settlement. Two cases were settled as enforcements, when required work was not done; Black Fin Motel/Marina and Hotel La Concha.

PUBLIX CONSENT DECREE APPROVED



Publix Super Markets has promised to improve disabled access at its 857 stores and pay up to \$260,000 to settle a 7-year-old federal class-action lawsuit. The agreement between Publix and the Association for Disabled Americans received final approval from U.S. District Court. The suit filed charged that Publix violated terms of the ADA. Publix has up to six years to implement the terms of the settlement agreement. Required changes include adjusting heights of items like ATMs, service counters, deli ticket dispensers and produce bags to accommodate people in wheelchairs. Each store will also get a text telephone and some stores will get additional handicap parking spaces.

MISSION STATEMENT

The **Association for Disabled Americans' (ADA)** The Association seeks to improve the economic and societal opportunities of its members by providing counseling and other services to its members as well as, when required, enforcing the legal rights to access for its members

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