



WASHINGTON LAWYERS' COMMITTEE
FOR CIVIL RIGHTS & URBAN AFFAIRS

For Immediate Release

**WASHINGTON HOSPITAL CENTER AGREES TO LANDMARK SETTLEMENT TO
IMPROVE ACCESS FOR PATIENTS WITH DISABILITIES**

WASHINGTON, D.C., November 2, 2005 — The largest private hospital in the nation's capital, Washington Hospital Center, a not-for-profit organization, today joined with the United States Department of Justice, four former patients of Washington Hospital Center, and the Equal Rights Center (ERC), a prominent not-for-profit civil rights agency, to announce a landmark settlement of a lawsuit filed under the Americans with Disabilities Act (ADA).

The plaintiffs' complaints alleged that patients with disabilities had been unable to access standard medical treatment due to the inaccessibility of Washington Hospital Center's medical facilities, such as examination rooms, examination tables and other medical equipment, as well as inadequacies in its policies and procedures to ensure that patients with disabilities receive the assistance they need to eat, drink and otherwise care for themselves.

Marc Fiedler, the Chair of the ERC's Disability Rights Council noted, "The substantial changes the WHC has promised to undertake under this agreement, including removal of architectural barriers, modification of policies, and acquisition of accessible equipment, go a long way to ensuring that people with disabilities will enjoy an equal opportunity to benefit from the broad array of medical services offered by the largest private not-for-profit hospital in the nation's capital. We hope other health-care providers will use this agreement as a model for accommodating their patients with disabilities."

According to Rabbi Bruce E. Kahn, the ERC's Executive Director, "Many aspects of Washington Hospital Center's facilities, services, and programs were already accessible, but this important settlement goes substantially further toward making sure that patients with disabilities will benefit equally from all of Washington Hospital Center's services and facilities, by enhancing the rights of patients with disabilities to be placed in accessible rooms; to be examined in an appropriate manner by trained personnel; to have access to accessible equipment (such as adjustable exam tables, Hoyer lifts, wheelchair scales and accessible call buttons); and to have full and equal access to all of the facilities and services offered at Washington Hospital Center."

This amicable settlement with the Hospital Center is one of the first of its kind to address a new issue in disability rights – access to hospital facilities and equipment for patients with mobility impairments and other disabilities. "It ensures not only that the patient who uses a wheelchair can have access to the Hospital's rooms and examination facilities, but also that this patient will be treated with dignity and respect," said Elaine Gardner, Director of the Disability Rights Project at the Washington Lawyers' Committee for Civil Rights and Urban Affairs.

The agreement represents the resolution of a lawsuit filed on November 25, 2003, by the Disability Rights Council of Greater Washington (DRC), with Christopher Butler, Rosemary Ciotti, George Aguehoude and Marsha Johnson, former inpatients or outpatients at the Hospital Center. In addition to the lawsuit, the plaintiffs filed an administrative complaint with the U.S. Department of Justice (DOJ), making the same allegations.

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(After the filing of the complaints, the DRC merged with the ERC which became the DRC's successor in interest in this case).

In the coming years, the following changes will be made to Washington Hospital Center's facilities, equipment, policies and procedures to ensure an improvement in accessibility for inpatients and outpatients with disabilities:

- Accessible Patient Rooms – WHC, whose primary facility was constructed in the late 1950s, will take steps to greatly increase the number and quality of accessible rooms, according to a schedule set forth in the agreement, and will ensure that such rooms are dispersed throughout different units in the Hospital;
- Removal of Access Barriers throughout the Hospital – An ADA architectural expert will survey WHC for its compliance with the ADA Standards for Accessible Design, and will submit a report with a plan for removal of identified barriers, which WHC will implement;
- Accessible Exam Tables – WHC will purchase one accessible examination table or chair in each Department that utilizes examination tables or chairs. After the date of the agreement, all new exam tables and chairs purchased by WHC will be accessible;
- Accessible Equipment – An ADA equipment expert will survey all equipment at WHC for its accessibility and ability to be used by patients with disabilities. A report with a plan for the purchase of additional accessible equipment will be developed and implemented;
- Policies – WHC will review its policies with assistance from DOJ and the ERC, and will make such changes as they are needed to ensure that patients with disabilities have equal access to and benefits from all WHC services and facilities;
- Special Procedures for Patients with Spinal Cord Injuries – The nursing intake process for inpatients with spinal cord injuries and similar conditions will be revised to include diet, toileting and communications needs;
- Oversight – Oversight will be provided by DOJ and the ERC. In addition, during the term of the agreement, WHC will appoint an ADA Officer, initiate a patient complaint process for patients with disabilities, and retain an ADA consultant, an ADA equipment expert, and an ADA architectural expert;
- Notice – Posters and handbooks will announce the rights of patients with disabilities and WHC's complaint procedures; and
- Training – Training for staff will include disability training.

Plaintiffs were represented by Robert H. Cox, Esq., Jennifer R. Bagosy, Esq., Heather D. McAllister, Esq., and Audwin F. Levasseur, Esq. of the law firm of Howrey LLP, and Elaine Gardner, Esq. and Robert M. Bruskin, Esq. of the Washington Lawyers' Committee for Civil Rights & Urban Affairs. The settlement was negotiated with the assistance of the Mediation Program of the U.S. District Court for the District of Columbia.

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