



**OUR OFFICE WILL BE CLOSED**  
**THURSDAY AND FRIDAY, NOVEMBER 28<sup>TH</sup> AND 29<sup>TH</sup>,**  
**IN OBSERVANCE OF THE THANKSGIVING HOLIDAY**

**HAPPY  
THANKSGIVING**

## **Wyoming Department of Health and the Wyoming State Hospital enter into settlement agreement to provide RLUIPA and ADA Accommodations**

**Protection & Advocacy System, Inc. (P&A)** was retained by D.F., a patient of the Wyoming State Hospital (WSH) by and through the Wyoming Guardianship Corporation (WGC), the patient's guardian, regarding a number of concerns regarding the care and treatment of patients of the WSH. Several legal claims were made due to this patient's disability issues.



*Patients at the WSH will see remedial efforts aimed to comply with the ADA and RLUIPA*

First, the patient had not been provided reasonable accommodations, specifically transportation accommodations to attend chapel services on the WSH campus, despite repeated requests to be able to go to the chapel on campus. The patient was told that an accessible vehicle was not available, or licensed individuals were not available to provide transportation over the weekend. The patient asserted that the failure to provide accessible transportation constituted a violation of the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), a federal law that, among other things, protects institutionalized persons from discrimination and burdens in engaging in religious exercise. Second, as a resident of Carbon Hall, housing the majority of the geriatric patients at the WSH, many with mobility and other limitations, the patient made claims under the ADA and Section 504 of the Rehabilitation Act of 1973 (Section 504). These claims related to the ramps in Carbon Hall as not complying with ADA design requirements, as well as noncompliance in other portions of the WSH facilities. On September 30, 2019, a settlement agreement related to these claims was reached to avoid litigation.

With respect to the RLUIPA claim, the Wyoming Department of Health (WDH) and WSH have agreed to revise the patient's plan of care to consider the patient's needs for religious exercise and provide accessible transportation, or make other appropriate arrangements. With respect to the ADA / Section 504 claim, evaluation by an architect concluded that in Carbon Hall, the ramps and restrooms did not comply with ADA standards. An architectural evaluation indicated that it would take approximately \$80,000 to remediate the ramp non-compliance. The two non-compliant restrooms would cost about \$230,000. Rather than electing to make structural modifications, the State represented that Carbon Hall and other facilities will be demolished after the new WSH construction is completed, and patients are moved out of the older facilities. The State also committed to providing specific reasonable accommodations, to initiate a periodic review process to determine non-compliance of facilities outside of the new construction (not anticipated to be completed until summer of 2020 or later) and identify possible remediation strategies, and provide reasonable accommodations per review determinations. The review information would be provided to P&A, which would assist in performing monitoring as authorized by federal law as well as the State's compliance with the settlement agreement.

In addition, WSH will develop or provide ADA / Section 504 training to staff, also providing P&A notice of scheduled trainings and providing a copy of the training materials.

## Accessibility **NEWS**

### A Fresh Look At An Old New Law: The Americans With Disabilities Act

**Forbes**

*(This is the first in a series on the meaning and relevance of the Americans with Disabilities Act, as it approaches its third decade).*

The 30th anniversary of the Americans with Disabilities Act (ADA) is less than a year away. The landmark civil rights law for people with disabilities was signed into law by President George H. W. Bush on July 26, 1990, amid pride and high hopes in the disability community, and businesses' misgivings about what they worried would be a well-meaning but vague and costly law.

Based on what people with disabilities have talked about over the last few ADA anniversaries, the disability community will celebrate the 30th by noting improved accessibility, exasperation over barriers that still remain and even multiply, and above all a more empowered mindset among the "ADA Generation" of people with disabilities who grew up after 1990. At the same time, there will probably also be a good deal of nostalgia for what people with disabilities hoped the ADA would be, along with a feeling of unfulfilled potential and even dissatisfaction with what the law has yet to accomplish.

Andrew Pulrang (himself a service provider and person with disabilities), and the contributor to the first article in the series, contends that there are three compelling reasons why now is a good time to reexamine the ADA.



One reason is: that the core ideas of the ADA are more familiar than they were in 1990, but they sometimes feel out of date. Concepts like "reasonable accommodation," "undue burden," and "accessible" were originally meant to be flexible, for good reasons. But they often feel inadequate to the higher expectations of a new generation of people with disabilities. The other two reasons also describe areas in which the goals of the ADA are yet to be realized.

To read more, go to: <https://www.forbes.com/sites/andrewpulrang/2019/10/07/a-fresh-look-at-an-old-new-law-the-americans-with-disabilities-act/#6273780a68c9>

**OUR OFFICE WILL BE CLOSED ON  
MONDAY, NOVEMBER 11TH**

## the advocacy monitor

### One in Ten Elected Officials Has a Disability

*New Report Finds Gap in Political Representation of People with Disabilities*



According to a new study by Professors Lisa Schur and Douglas Kruse, co-directors of the Program for Disability Research in the Rutgers School of Management and Labor Relations, an estimated 10.3 percent of elected officials serving in federal, state, and local government have disabilities. That is more than five percentage points lower than the overall disability rate in the adult population studied in this data.

Read the full Rutgers report, Elected Officials with Disabilities (PDF): <https://smr.rutgers.edu/sites/default/files/fact-sheet-elected-officials-disabilities-2013-2017.pdf>

Source: <http://www.advocacymonitor.com/for-immediate-release-one-in-ten-elected-officials-has-a-disability/>

### Election 2019

Fire District #1 Bond Election  
 Tuesday, Nov. 5, 2019  
 Polls open 7:00 a.m. to 7:00 p.m.

Eligible voters in Fire District #1 may vote at:  
 Laramie County Fire District #1  
 207 E. Allison Road  
 Cheyenne, WY 82007

GO TO: <https://www.laramiecountyclerk.com/elections.aspx>

### MAKE THE DISABILITY VOTE COUNT

Do You  
Need  
Assistance?

got questions?  
**CONTACT**



FOR MORE  
**INFO**

## CONTACT US

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