

# GULF BEND CENTER

## Americans with Disabilities Act (ADA)

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### ADA Plan

Date Issued: \_\_September 26\_\_, 2016

Approved by:

  
Jeff Turnell, Executive Director

Revision Dates:

*Gulf Bend Center is to provide safe and usable facilities for all individuals to ensure compliance with all federal, state and local regulations and standards. In accordance with ADA Title II requirements, Gulf Bend Center prepared a ADA Plan, an ADA self-evaluation, a grievance procedure, and a notice of non-discrimination to address access, employment, programs, and services*

**Americans with Disabilities Act (ADA) Plan**  
**Gulf Bend Center**  
September 2016

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## **Introduction**

To prohibit discrimination on the basis of disability, the Federal government enacted the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA). Title II of the ADA pertains to state and local governments and requires that persons with disabilities be provided with an equal opportunity to benefit from government programs, services and activities.

Title II of the ADA further identifies specific steps that state and local governments must follow to comply with the ADA. These include:

1. Prepare a Self-Evaluation of programs, services and activities that may not be accessible to persons with disabilities;
2. Develop a Plan to provide for the elimination of barriers for disabled persons to access these programs, services and activities;
3. Designate at least one employee as the ADA/Section 1557 Coordinator to be responsible for the ADA compliance program;
4. Establish a Grievance Procedure to respond to complaints regarding accessibility;
5. Provide Notice to the public of the obligations under Title II to prohibit discrimination on the basis of disability; and
6. Provide an Opportunity for interested persons, including individuals with disabilities, or organizations representing individuals with disabilities, to participate in the development of the Plan by submitting comments and making specific recommendations.

It is the goal of Gulf Bend Center to provide safe and usable facilities for all individuals to ensure compliance with all federal, state and local regulations and standards. In accordance with the above ADA Title II requirements, Gulf Bend Center prepared an ADA self-evaluation, a grievance procedure, and a notice of non-discrimination to address access employment, programs, and services.

The ADA/Section 1557 Coordinator provides oversight and coordination of ADA compliance efforts with Management and Program Staff.

## **Background**

### **Disability Access Laws**

Title VI of the landmark Civil Rights Act of 1964 prohibits government agencies from discriminating on the grounds of race, color or national origin. The rights of persons with disabilities are protected under Section 504 of the Rehabilitation Act of 1973, and even further under the Americans with Disabilities Act of 1990 (ADA). In addition, the final rule implementing Section 1557 of the Affordable Care Act prohibits discrimination based on race, color, national origin, sex, age or disability in certain health programs and activities.

Title II of the ADA requires state and local governments to provide persons with disabilities an equal opportunity to benefit from government programs, services and activities. Title II dictates that state and local governments with 50 or more employees must develop self evaluation and plans to make their facilities accessible.

### **Disability Defined**

Under the ADA, a qualified individual with a disability is defined as a person who has a physical or mental impairment that substantially limits one or more major life activities.

## **ADA Compliance Program**

### **Purpose**

The purpose of this plan is to ensure that all individuals are provided reasonable access to all Gulf Bend Center facilities, programs, services and activities, and to identify and create a plan to mitigate deficiencies within facilities, programs, services and activities that may pose an obstacle to those individuals that have a disability.

In compliance with the ADA, Gulf Bend Center offered opportunities for interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the plan by submitting comments and making specific recommendations.

### **Design Exceptions**

Where it is technically infeasible or structurally impracticable to fully comply with federal or state minimum standards, Gulf Bend Center will make every effort to provide reasonable modifications that would improve the existing conditions to facilitate access to the maximum extent feasible.

## **Reasonable Modification Policy**

### **Non-Discrimination**

No person shall, on the grounds of race color, or national origin, sex, age or disability be excluded from participation, be denied the benefits of, or be subjected to discrimination under any program, service or activity provided by Gulf Bend Center.

### **Individuals with Disabilities**

No qualified individual with a disability shall, by reason of such a disability, be excluded from participation, be denied the benefits of, or be subjected to discrimination under any program, service or activity. Gulf Bend Center shall not exclude or deny equal programs, services or activities to an individual because of the known disability.

### **Qualified Individual with a Disability**

A qualified individual with a disability is an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or the provision of auxiliary aids and services, meets the essential eligibility requirements for services or the participation in programs or activities provided by Gulf Bend Center.

### **Reasonable Modification**

Gulf Bend Center shall make reasonable modification in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless Gulf Bend Center can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

### **Communications**

Gulf Bend Center shall take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others. To this end, Gulf Bend Center shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by Gulf Bend Center. In determining what type of auxiliary aid or service is necessary, Gulf Bend Center shall give primary consideration to the requests of the individual with disabilities.

### **Auxiliary Aids and Services**

- Provide/assist with qualified interpreters, transcription services, written materials, assistive listening systems or other methods for individuals with hearing impairments;
- Provide/assist with audio recordings, brailled materials, large print materials or other methods for individuals with visual impairments;
- Acquisition of equipment needed to reasonably meet the needs of the community;
- Other actions or modification needed to comply with ADA standards.
- Permitting access to a person with a disability accompanied by a service animal for assistance

### **Limits of Required Modifications**

Gulf Bend Center is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity, or in undue financial and administrative burdens. Any decision that complies with its responsibility to provide effective communication for individuals with disabilities would fundamentally alter the service, program, or activity. The decision shall be accompanied by a written statement of the reasons for reaching that conclusion.

### **Notice**

Gulf Bend Center shall make available to applicants, employees, participants, beneficiaries, and other interested persons information regarding the provisions of Title II of the Americans with Disabilities Act (ADA), as well as Section 1557 of the Affordable Care Act, and its applicability to the services, programs, or activities of Gulf Bend Center. The information shall be made available in such manner as the ADA/Section 1557 Coordinator finds necessary to apprise such persons of the protections against discrimination assured them by the ADA/Section 1557.

## Notification and Effective Communication

As required by Title II of the ADA, public agencies must notify applicants, participants, beneficiaries, and other interested persons of their rights and of the agency's obligations under Title II to prohibit discrimination on the basis of disability.

### Notice of Non-Discrimination

Gulf Bend Center has posted the Notice of Nondiscrimination to address employment, programs and services at each facility location.

### Public Outreach

Gulf Bend Center has provided an opportunity for interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the plan by submitting comments and making specific recommendations. A comment period was announced on Gulf Bend Center's website. After adoption, a copy of this plan will be available for public reference on Gulf Bend Center's website. Gulf Bend Center welcomes feedback from the public, including persons with disabilities, regarding the accessibility of its facilities. The public can communicate these requests to Gulf Bend Center through email, phone calls, and by filling out the ADA Complaint Form.

### Effective Communication

To ensure that communications with applicants, participants and members of the public with disabilities are as effective as communications with others, Gulf Bend Center offers auxiliary aids and services at no cost, when requested in advance, by qualified individuals with disabilities. Written notification of the availability of auxiliary aids and services is provided on public meeting notices and at public information counters. Listed below is sample wording for a meeting notice:

*"In compliance with the Americans with Disabilities Act, persons with disabilities may request reasonable accommodations (including auxiliary aids and services at no cost) to participate in the meeting by contacting \_\_\_\_\_ [name] at \_\_\_\_\_ [phone] or \_\_\_\_\_ [email] at least 5 business days before the scheduled event."*

In addition, it is the policy of Gulf Bend Center to provide the following statement on meeting notices, agendas and public information documents that such documents will be provided to persons with disabilities in alternate formats (such as large print, audio tape, electronic format, etc.) upon request: ***To accommodate persons with disabilities, this document is available in alternate formats upon request.***

## Inventory and Self-Evaluation

### Self-Evaluation

As part of the Self-Evaluation process, the ADA/Section 1557 Coordinator tasked staff to evaluate all facilities, programs, services and activities operated or funded by Gulf Bend Center, for ADA compliance. The findings of the evaluation include written documentation of compliance. An Action Plan was subsequently completed listing specific policy or program modifications needed, and target dates by which the necessary changes would be corrected.

### **List of Maintained Facilities.**

1. Gulf Bend Center Main Building - 6502 Nursery Drive, Victoria Tx
2. Cuero Office - 1127 N Esplande, Cuero Tx
3. P4 Clinic - 225 N Virginia, Ste 6, Port Lavaca, Tx
4. Port Lavaca Day Habilitation - 206 S Bauer, Port Lavaca, Tx
5. Victoria Day Habilitation - 1408 Melrose, Victoria, Tx
6. Wellness Community - 1009 Nimitz, Victoria, Tx

### **Funding**

Possible funding sources that Gulf Bend Center has available for accessibility improvements include: Public and Private funding.

### **Priority**

The first step in programming accessibility construction projects is developing a priority system. Title II of the ADA gives priority to accessible pedestrian routes adjacent to or in the vicinity of state and local government offices and facilities, transportation services, places of public accommodation, facilities containing employees, and other areas such as residential neighborhoods.

For the purposes of this plan, the highest priority accessibility construction projects are those requested by qualified persons with disabilities.

The second priority projects are those that may involve a path of travel or condition of use that needs safety improvements, such as missing curb ramps or sidewalk repair around the facilities.

The third priority projects are those that are of non-compliance around the facilities.

## **Service Requests and Grievance Procedure**

Title II of the ADA requires local governments with 50 or more employees to adopt and publish procedures for resolving grievances. The goal of the grievance procedure is to set out a system for resolving complaints of disability discrimination in a prompt and fair manner.

Gulf Bend Center prepared the ADA Grievance Procedure, to address accessibility, employment, programs and services. This grievance procedure and its corresponding ADA Complaint Form, as shown in Appendix C, are available to the public and to employees through the ADA Coordinator/Section 1557 Coordinator and on the website.

### **ADA/Section 1557 Grievance Procedure**

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (ADA) and Section 1557 of the Affordable Care Act. The Grievance Procedure can be found in Appendix A of this document. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits provided by Gulf Bend Center for access to facilities by persons with disabilities. The availability and use of the grievance procedure does not prevent a person from pursuing other legal or administrative remedies, including filing a complaint of discrimination on the basis of race, color, national origin, sex, age or disability in court or with the U.S. Department of Health and Human Services, Office for Civil Rights.

The complaint should be in writing and contain the following information regarding the alleged discrimination:

- Complainant name
- Address of complainant
- Phone number of complainant
- Location of complaint
- Date of alleged violation/problem or action identified to be discriminatory and the remedy/relief sought
- Description of the alleged violation

Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request. The complaint should be submitted by the complainant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to the ADA/Section 1557 Coordinator:

ADA/Section 1557 Coordinators  
Attn: BJ Janak or Kim Sheblak (consumers/public)  
Shelly Frank (HR)  
Quality Management Department  
6502 Nursery Drive, Ste 100  
Victoria, Texas 77904  
(361)582-2638 or (361)582-2317 Office  
(361)575-0626 Fax  
bjanak@gulfbend.org or ksheblak@gulfbend.org

Within 30 calendar days after receipt of the complaint, the ADA/Section 1557 Coordinator or his/her designee will contact the complainant to discuss the complaint and possible resolutions. Within 30 calendar days of contacting the complainant, the ADA/Section 1557 Coordinator or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant such as large print, audio tape or electronic file.

The response will explain the position of Gulf Bend Center and offer options for resolution of the complaint. If the response by the ADA/Section 1557 Coordinator does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Executive Director.

Within 30 calendar days after receipt of the appeal decision, the Executive Director will contact the complainant to schedule a meeting to discuss the complaint and possible resolutions. Within 30 calendar days after the appeal, Gulf Bend Center will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the ADA Coordinator, and responses, will be retained by the ADA Coordinator for at least three years.

To accommodate persons with disabilities, this notice is available in alternate formats upon request.



## **Service Requests or Complaints**

Service Requests come into Gulf Bend Center through several methods. Individuals either contact the ADA/Section 1557 Coordinator, Rights Protection Office, Civil Rights, Department of State Health Services, or Department of Aging and Disability Services by phone, email, mail or in person.

Individuals may download a general complaint form or they can download and fill out an online ADA Complaint form from Gulf Bend Center's webpage. Forms should be mailed or hand delivered to:

ADA/Section 1557 Coordinators  
Attn: BJ Janak or Kim Sheblak  
Quality Management Department  
6502 Nursery Drive, Ste 100  
Victoria, Texas 77904

When accessibility requests are made, the ADA/Section 1557 Coordinator logs the request into a database. The data base is maintained locally by the ADA/Section 1557 Coordinator. The ADA/Section 1557 coordinator reviews the request, investigates the request, in consultation with Human Resources as appropriate, and gives a recommendation for resolution to the Executive Management/Board for the approval of allocating funds, if needed, to mitigate the request. If funds are allocated, then the request and recommendation are sent to the appropriate department to make the necessary corrections.

Each request is monitored from the date of receiving the request until final resolution. The ADA/Section 1557 Coordinator summarizes the service requests/complaints and their resolution in an annual report to the Executive Management/Board.

Persons with disabilities are also able to file formal ADA grievances through the United States Department of Justice, or Equal Employment Opportunity Commission.

## **Monitoring and Reporting**

Gulf Bend Center's self-evaluation and plan are reviewed annually or as needed.

The progress of the ADA compliance program is documented in an annual report prepared by the ADA/Section 1557 Coordinator for review by Gulf Bend Center.

The annual report is intended to identify the following information:

- The number of complaints/requests
- The number of barrier removals and upgrades to accessibility
- The total funds spent for the accessibility program
- Updates on funding availability and the efforts taken to secure extra funding
- Summary of requests/complaints received and how requests/complaints were resolved
- Establishment of targets for the upcoming year

The annual report is retained by the ADA/Section 1557 Coordinator for at least three years and is made available to the public in alternate formats upon request.

## Appendix A - Grievance Procedure

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (ADA). The Grievance Procedure request form can be found in Appendix B of this document. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits provided by Gulf Bend Center for access to facilities by persons with disabilities. The availability and use of the grievance procedure does not prevent a person from pursuing other legal or administrative remedies, including filing a complaint of discrimination on the basis of race, color, national origin, sex, age or disability in court or with the U.S. Department of Health and Human Services, Office for Civil Rights.

The complaint should be in writing and contain the following information regarding the alleged discrimination:

- Complainant name
- Address of complainant
- Phone number of complainant
- Location of complaint
- Date of alleged violation/problem or action identified to be discriminatory and the remedy/relief sought
- Description of the alleged violation

Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request. The complaint should be submitted by the complainant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to the ADA/Section 1557 Coordinator:

ADA/Section 1557 Coordinators  
Attn: BJ Janak or Kim Sheblak  
Quality Management Department  
6502 Nursery Drive, Ste 100  
Victoria, Texas 77904  
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(361)575-0626 Fax  
bjanak@gulfbend.org or ksheblak@gulfbend.org

Within 30 calendar days after receipt of the complaint, the ADA/Section 1557 Coordinator or his/her designee will contact the complainant to discuss the complaint and possible resolutions. Within 30 calendar days of contacting the complainant, the ADA/Section 1557 Coordinator or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant such as large print, audio tape or electronic file.

The response will explain the position of Gulf Bend Center and offer options for resolution of the complaint. If the response by the ADA/Section 1557 Coordinator does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Executive Director.

Within 30 calendar days after receipt of the appeal decision, the Executive Director will contact the complainant to schedule a meeting to discuss the complaint and possible resolutions. Within 30 calendar days after the appeal, Gulf Bend Center will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the ADA/Section 1557 Coordinator, and responses, will be retained by the ADA/Section 1557 Coordinator for at least three years

To accommodate persons with disabilities, this notice is available in alternate formats upon request.

# Appendix B - ADA Formal Written Complaint Form

Gulf Bend Center, ADA/Section 1557 Coordinator  
Attn: BJ Janak or Kim Sheblak  
6502 Nursery Drive, Ste 100  
Victoria, Texas 77904  
(361) 582-2358 or (361) 582-2317 office  
(361) 575-0626 fax

*Please print legibly.*

Reporting Individual: \_\_\_\_\_ Date of Request: \_\_\_\_\_

Address: \_\_\_\_\_ City \_\_\_\_\_

State \_\_\_\_\_ Zip \_\_\_\_\_ Telephone Number \_\_\_\_\_

Other Contact Information: \_\_\_\_\_

*If person needing accommodation is not the individual completing this form, please complete below:*

Name: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

Other Contact Information: \_\_\_\_\_

Program/Facility to be Inaccessible: \_\_\_\_\_

When did the situation occur (date)? \_\_\_\_\_

Describe the situation or way in which the program is not accessible, providing the name(s) where possible of the individuals who were involved in the situation, and any documentation or photographs supporting the incident:

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Have efforts been made to resolve this complaint through the Request for Accommodation with the ADA/Section 1557 Coordinator?  Yes or  No

If yes, what were the results? \_\_\_\_\_

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How do you suggest this issue be remedied? \_\_\_\_\_

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Signature: \_\_\_\_\_ Date: \_\_\_\_\_

ADA/Section 1557

Coordinator/Representative: \_\_\_\_\_ Date: \_\_\_\_\_

# Appendix C - Request for Accommodation Form

Gulf Bend Center, ADA/Section 1557 Coordinator

Attn: BJ Janak or Kim Sheblak

6502 Nursery Drive, Ste 100

Victoria, Texas 77904

(361) 582-2358 or (361) 582-2317 office

(361) 575-0626 fax

*Please print legibly.*

Requesting Individual: \_\_\_\_\_ Date of Request: \_\_\_\_\_

Address: \_\_\_\_\_ City \_\_\_\_\_

State \_\_\_\_\_ Zip \_\_\_\_\_ Telephone Number \_\_\_\_\_

Other Contact Information: \_\_\_\_\_

*If person needing accommodation is not the individual completing this form, please complete below:*

Name: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

Other Contact Information: \_\_\_\_\_

Check One: Accommodation  Barrier  Removal

Accommodation needed or location of barrier (*Be as specific as possible, e.g. assistive technology, reader, interpreter, schedule change, etc.*):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Brief statement of why the accommodation is needed or the barrier removed: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date accommodation is needed: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

ADA/Section 1557

Coordinator/Representative: \_\_\_\_\_ Date: \_\_\_\_\_

## Appendix E - Service Animals

### Service animals are welcome at Gulf Bend Center.

**SERVICE ANIMAL** means **DOG or MINIATURE HORSE** that is individually **TRAINED** to **do work or perform tasks** for an individual with a disability. The task(s) performed by the dog/miniature horse must be **directly related** to the person's disability.

- No other species are allowed public access.
- Comfort, Therapy, or Emotional Support dogs/miniature horses do not meet the definition of a service animal.

Service Dogs/Miniature Horses must be **harnessed, leashed, or tethered**, unless these devices interfere with the service animal's work or the individual's disability prevents him from using these devices. Individuals who cannot use such devices must maintain control of the animal through voice, signal, or other effective controls.

#### Businesses may exclude service animals only if:

1. The dog/miniature horse is out of control and the handler cannot or does not regain control;
2. The dog/miniature horse is not housebroken; or
3. The miniature horse's presence will compromise the legitimate safety requirements necessary for the safe operation of the facility.

If a service animal is excluded, the individual must be allowed to enter the business without the service animal.

**In situations where it is not apparent that the dog/miniature horse is a service animal, a business may ask only two questions:**

1. Is the dog/miniature horse required because of a disability? and,
2. What work or task has the dog been trained to perform?

No other inquiries about an individual's disability or the dog/miniature horse are permitted. Businesses cannot require proof of certification or medical documentation as a condition for entry.