

The ADA and Insurance

Access to insurance is often a problem for people with mental disabilities. Some insurance companies refuse to underwrite health, disability, and life insurance for people with mental disabilities. Of those that do, many offer limited coverage, including high co-payments, deductibles, arbitrary limits on coverage and time limitations. Congress took a first step in restricting this discriminatory practice by passing the Mental Health Parity Act of 1996 which went into effect on January 1, 1998. Among the key provisions of that Act is the banning of different lifetime limits and annual caps in health insurance coverage of mental health and medical/surgical treatment.

Mental health consumers and their advocates had hoped that ADA could provide a vehicle to challenge unfair insurance practices. To date, however, plaintiffs have had difficulty using ADA to address insurance discrimination.

The ADA states clearly that employers cannot refuse to hire or fire someone because of concerns about insurance costs, condition employment on exclusion from a health insurance plan or deny individuals with disabilities equal access to the same terms or conditions of insurance as other employees. ADA's applications to the practices of insurance companies and policies themselves are more cryptic, and possibly less favor-

able to people with disabilities—especially those with mental disabilities.

The statute says that the ADA is not intended to prohibit insurers from “underwriting risks, classifying risks or administering such risks” as long as these classifications are not inconsistent with state law, and so long as the insurer does not classify risks as a “subterfuge to evade the purposes” of the ADA.

ADA's insurance provisions have created substantial conflict regarding whether the ADA allows insurers to continue their exclusion and differential treatment of individuals with disabilities and whether employers violate the ADA if they contract with insurers who treat people with mental disabilities differently. In 1993, the EEOC addressed these issues in an interim Enforcement Guidance, which was designed to analyze how the ADA applies to employer-provided health insurance. Although the guidance is favorable for most individuals with disabilities, it specifically excludes people with mental disabilities from the protection of the ADA in this important area.

However, the guidance can be interpreted so that distinctions based on a particular mental disability (i.e., schizophrenia) would be considered a violation.

Typically, people disabled as a result of mental impairments receive disability benefits for only two years, while those

continued on page 8

The Trojan Horse of Design

by George A. Covington

The concept of Universal Design is a Trojan Horse that will allow people with disabilities past the gates of prejudice and fear. By understanding Universal Design from a disability perspective, it is also a concept that can broaden domestic markets and aid this country in global competition.

The goal of Universal Design is to create a product, physical place or service that can be used by the widest range of individuals possible. Whether your product is a book, a bagel or a bowling alley - it is good business to make it available to the broadest possible range of potential customers. If your product, place or service can be used independently by both an individual who is eight years old and a person who is eighty years old, you are close to reaching the goal of Universal Design. Within this eight to eighty range most, but not all, disabled people will fit.

Universal Design is intended to
continued on page 4

INSIDE

FROM THE CENTER

FROM OUR READERS

TECHNOLOGY TIPS

Winter 1999

Early in this new year I was fortunate in being able to attend the five day "World Congress for Travelers with Disabilities" which was held in Florida. The Society for the Advancement of Travel for the Handicapped (SATH) which has promoted travel for more than twenty years was the lead agency, and the meeting was co-sponsored by the American Society of Travel Agents (ASTA). Their collective goal, and that of other supporters was and is to make the world accessible to all, and to be aware that disability is not inability".

Conventions and conferences are often most useful for acquiring information, meeting interesting and knowledgeable people, and developing resources. This one lived up to our expectations. As travel is an increasingly important part of life, we were hoping to learn what is possible now, what new ideas and developments have emerged and are emerging which will create more opportunity for people living with disability to travel safely and pleasurably, and where people can turn to find answers to their travel questions.

As was promised in the meeting's title, it was a world congress, not the whole world, but with a surprising and significant representation from places as far away as Israel, South Africa (Cape Town, Johannesburg,) Tanzania, Kenya, others from Italy, France, England, Portugal, many from Canada, Mexico, Central and South America, (including travel agents from Peru offering tours to Machu Picchu), and a large number of participants from the United States. These people, some with disability, some without, brought with them messages about their particular services, products, tours, ideas, and plans; all focused on increasing the opportunity for travel for people with disability.

Elaboration of a few issues which were addressed appear below:

Airlines are working on resolving access problems by finding convenient methods for mobility within the airport, by providing jetways at gates for boarding, and by acquiring appropriately designed transfer chairs which will be safer and more convenient when traveling down the aisle and making a transfer into the seat. They are also concerned with redesigning restrooms so that people using wheelchairs can enter. Similar accommodations are being considered or are in process for buses and trains. Hotels are gradually adding accessible rooms, and refining others, and it was our good fortune to be able to see newly adapted hotel rooms. The organizers of the meeting also made arrangements with a cruise line to invite the whole assemblage aboard their brand new cruise ship so that travel agents and others could see the special rooms that they have modified.

An important issue not yet fully addressed, is how the many mes-

Disability Issues [ISSN 1063-9373] is a publication of the Information Center for Individuals with Disabilities, Inc., a nonprofit agency that provides information, referral, and problem-solving assistance on disability issues. The publication and distribution of *Disability Issues* is made possible only through the financial support of many individuals and organizations. Mention of a product or service in this newsletter does not constitute endorsement.

Feel free to reproduce this newsletter, in total or in part, using the following guidelines: When reproducing only in part, please credit to *Disability Issues* [vol., no., and date], the newsletter of the Information Center for Individuals with Disabilities in Boston, Massachusetts. For articles that appear under a byline or that will be altered in any way, please obtain permission from the editor.

President: Nancy C. Schock

Editor: J. Archer O'Reilly III

sages, spoken or in print which are essential in giving and receiving directions for travelers can be provided for people with blindness, low vision, deafness, or partial hearing. People with sensory loss may also need assistance in orienting themselves to new situations and locations

Some of the notable people we met included:

A man, mobility impaired, who has taken time off from work to visit hostels throughout the United States. He plans to assess them for accessibility, and prepare a report.

A woman living with blindness, who is one of the directors of a travel agency called Travel by Touch was very helpful to the group by informing them when meeting procedures were inaccessible to her.

Another woman, familiar with disability, and aware of the difficulty of finding accessible transportation when traveling has compiled and published a listing of all public transit services in the country, and updates it periodically.

Readers of *Disability Issues* could contribute greatly to this effort by sharing, with people in the travel industry, their knowledge regarding what special considerations that each one needs, how the environment can be arranged for convenience, and what equipment will enhance their mobility, or their communication or their comfort. Relating actual experiences is also helpful and enlightening. (See Ray Glazier's "Tales of a Wheelchair Traveler" in this issue.)

For the industry to know what we need, we must ask for what we need not just accept what we are offered. If you send us your messages, we will pass them on to people who are in a position to make a difference.

Tales of a Wheelchair Traveler

by Ray Glazier

As a policy researcher who happens to be a wheelchair user with a speech impairment, I have traveled a good bit on business and for pleasure over the last 30 years. In this time I have experienced travel situations ranging from laughable to outrageous to life threatening.

Here are a few typical tales:

The Bermuda law, that's right, law, banning power wheelchairs from the island was perhaps the most egregious access barrier I ever experienced. In 1980 I challenged this law by returning to Bermuda with my family in my power wheelchair, after being threatened with house arrest in my hotel if I did so. I appealed to the press here and on the island; the Minister of Transportation backed off, and the Governor invited us to tea. The Minister was edified to find out that in the States liability for power chairs is covered by homeowners' insurance, the legal precedent being riding lawnmowers, which like wheelchairs are classed with furniture. Subsequently the Bermuda Parliament passed a law permitting power wheelchairs, but only if registered as motor vehicles and equipped with horn, headlight, tail lights, and turn signals. That law may have since been changed. I haven't been back to find out.

In the early 70s I was bumped from a flight from Boston to Ohio for a family holiday reunion. The basic problem was that the flight had been overbooked and they wanted to bump someone, but I was given various reasons for being left at the gate after being the first passenger to arrive there: "You must travel only with a companion who can evacuate you from the plane if necessary;" "Your wheelchair won't fit in the baggage compartment;" "Your presence on the

plane would endanger other passengers;" "The captain or any member of the flight crew (including stewardesses) has the right to refuse to transport you, and they are exercising that right."

That sort of thing doesn't happen anymore, since the Americans with Disabilities Act of 1990 set the airlines straight on their responsibilities. I have to travel alone often. The airlines know they are supposed to help me board, which involves transferring me onto and from the narrow little special chair they have to squeeze down the aisle into my seat. Some aisle seats on most planes have an arm that swings up out of the way, making the task easier for them, if they can figure out which seat it is, and if the flight attendant doesn't insist they not put me there "because other passengers will have to climb over him. "Moving me to the window seat from the aisle is especially difficult if they have sent two skinny little persons of the female persuasion from the check-in counter to do all this heavy lifting. (I am heavy at 6' and 180 lbs., but not obese. And what if I were obese?)

But even burly guys who don't listen can be a problem. On a recent red-eye flight from California to Boston, my flight arrived late, and there was no one to get me off the plane. Finally two large baggage handlers were recruited for the task. They managed to pry me out of the window seat where I

had been placed and lift me onto that skinny little aisle chair, then strap me in, despite lacking any comprehension of English. When they started to carry me down the plane's tail stairs head first, with one of the railings stuck and not deployed, I got frantic, trying to insist they turn me around to go feet first (having visions of falling on my head and being more severely injured). These guys couldn't understand a word I said, and their operating philosophy seemed to be, "When in doubt, plow ahead." I grabbed the sole railing and wouldn't let go till they turned me around. But I had already missed my ground connection, and I can't just hop into any old cab.

A few years ago, after a 3-day meeting in Chicago, I had a 24-hour layover in Pittsburgh for another one-day business meeting on my way back home to Boston. The baggage crew had my scooter-type power wheelchair waiting at the end of the jetway in Pittsburgh, which is always supposed to happen but often doesn't. When I turned on the key, there was no power. The guys in Chicago had taken off the steering column to make it easier to stow. On this model the steering column doesn't come off. All the control wiring had been detached. Two jet mechanics spent 3 hours trying unsuccessfully to put it back together. Then I was offered the loan of an airport wheelchair, which was rather lame, since it meant having to be pushed around all the next day. That is indeed how I spent my day in Pittsburgh. It cost the airline \$1,500 to have the wiring harness replaced and the chair repaired; it cost me a week in a loaner chair and a lot of aggravation.

There is absolutely no reason why the first seat inside the

continued on page 7

Universal Design

continued from page 1

be inclusive not exclusive, The concept's inclusive nature allows people with disabilities to fit within the Trojan Horse.

Why do 50 million Americans need a Trojan Horse? Because designers are people and people fear us.

In 1991 a Louis Harris Poll showed that 58% of able-bodied persons interviewed felt embarrassed and uncomfortable in the presence of a person with a disability and 47% felt actual fear. If you fear us, how can you design for us?

To get past the fear you must understand that we are not one mass of creatures called "the disabled". Designers must understand that disabled people are - just like everyone else - except we have a disability. Our individual disability becomes a handicap only when we encounter a barrier. Designers, not God, created most of the barriers we face. Ramping a building is easier than ramping the human heart and mind. We can't change God, but we sure can change designers by destroying the fear.

To get past the fear, you have to get past the negative images the stereotypes, and the myths. It will help if you consider a few facts and take some simple advice.

The first fact is: People with disabilities can lie, cheat, and steal just like able-bodied people. Disabled people can be fools, fakes, and frauds just like able-bodied people. If you cannot accept these statements, you cannot truly accept the concept that disabled people are just like everyone else, except they have a disability.

Some of us with disabilities are charming, witty, and highly

intelligent; some of us are not. The disability didn't determine which of us would be sexy and which of us would be sexist. a disability gives us a different perspective, not a different personality.

Some of us get married, have children, and live happily ever after; or some of us get divorced (not necessarily in that order). Some of us never leave home, most of us do.

Some of us have reached a comfort level that allows us to debate semantics and determine that the words "cripple" and "handicapped" are no longer acceptable. Others are still debating whether "disabled people" should be replaced with "people with disabilities." This latter debate is generally restricted to the disabled gurus living inside the Washington, D. C. beltway. Yes, some of us are disabled gurus, or gurus with disabilities, if you choose. Many of us feel that we are not "visually challenged," "physically challenged," or, if you're short "vertically challenged." When the obstacles are removed so are the "challenges."

If designers will stop creating a world of barriers that constantly "challenge" us, we poor crips will stop "inspiring" you with how we manage to overcome the challenge of bad designs

We are as different and diverse as everyone else in the world. We simply have a disability.

The second fact is: The road to Hell is paved with good intentions. Most designers have approached disability issues with the best of intentions, but good intentions are not enough.

Too often in the past, able-bodied individuals and groups came up with projects and products that they knew "would be great for handicapped people." They never bothered to ask us for input.

Their enthusiasm was great, but their idea or product was a disaster. They were more interested in a "warm and fuzzy" concept than they were in a substantive idea. Often their feelings were hurt when we threw the cold water of reality on what had been the warm glow of poorly directed good intentions. It is too late to ask for our input after the concrete has been poured and the last nail driven. Tens of millions of dollars have been wasted on projects for disabled people. Able-bodied people must learn to ask us if we need it, want it, or can afford it. Ask us, then listen, then design.

And don't listen to just one of us. Most designers I know would seek input from as many potential consumers as possible before finishing a design and taking it to market. Please avoid the "I have this disabled friend" syndrome. It sometimes appears that everyone in the design business has one disabled person who can provide all necessary knowledge on all aspects of disability.

This is like saying "they all look alike to me". Well, look again. The latest government figures show there are 50 million of us and the numbers are growing as the population ages. As America grays, so does its purses and pocketbooks.

As the baby boomers hit the brick wall of fifty, many are not seeing, hearing or moving as well as they did in their youth. Because of the stigma attached to the term disabled, these newcomers will seldom discuss their problems. Because they have believed the negative images, myths and stereotypes about "the disabled", they are horrified that they might be one of us.

These newcomers to the fringes of disability bring with them the

Universal Design

continued from page 4

fear of "the disabled". Often, if the problem is severe, these individuals will retreat within the safety of their homes and seldom venture out. They will choose being a hermit over the stigma of being disabled. The Trojan Horse of Universal Design can get through the walls these people have erected from myths and stereotypes.

How? - By designing something for as broad a market as possible, that design is no longer "special" and no longer identifies the user as different and apart from everyone else.

I have seen situations where museums would place a pile of attractive large print brochures

next to a "regular" small print brochure. If they placed a sign "for the handicapped" by them, the stack would stay untouched until it turned moldy. Take away any designation of the two stacks and you can watch the "regular" stack turn old and gray. Why do so many able-bodied folks use those things designed for us when they aren't aware of that fact? Because they want the convenience of an accessibly designed creation without the perceived stigma.

Universal Design is, at its best, seamless and invisible. You shouldn't look at something and say "that's designed for..."

Universal Design does not mean that all people will be able to use the end product. Some severely disabled individuals will need

specific modification for use. With Universal Design, fewer and less costly modifications will be needed.

The Trojan Horse of Universal Design will allow these newcomers to use products, places and services they might otherwise avoid.

George A. Covington is the former Special Assistant for Disability Policy to the Vice President of the United States. He is the former co-chair of the Universal Design Task Force for the President's Committee on Employment of People with Disabilities and currently serves on its Communications Committee. Born legally blind, he first achieved national attention for his work in using photography as an accessibility tool.

Technology Tips

How Technology Can Help With Memory and Organization

By Kathy McHale

Have you ever been worried because you couldn't remember whether you took your morning medication? Forgotten to defrost the chicken and had to eat macaroni and cheese instead?

In today's busy world, anyone can have trouble keeping track of time, activities, or belongings. Many times this leads to a somewhat comic scene, as you make three trips to the grocery store instead of one, or discover the unmailed Christmas cards in January. Perhaps it leads just to a slight disappointment you'd really been looking forward to barbecued chicken hadn't you?

However, sometimes the consequences can be more serious.

Forgetting necessary medication, missing important business appointments or losing valuable documents can significantly affect the quality of your life, health and employment.

Fortunately, technology is available to assist people with all types of disabilities to remember what they want to remember when it needs to be remembered and to organize their home or work lives.

Calendar management products help you to be where you need to be or to do what needs to be done at the right time, and range from simple paper calendars and small digital memo systems to hand-held computers and computer linked paging systems.

Primary consideration should be given to whether you prefer to use a paper system, a voice recording system, or a computer based system. Comprehensive calendar management systems are available in all three modes. Be sure to consider whether or not you need an alarm to remind you of appointments. If you do, and you use a paper system or voice recording system with no alarm, you will need to find a portable alarm product to use in combination with those systems, for example, a watch with an audible or vibrating alarm.

Some people prefer a **paper-based system**, finding it familiar, easiest to manage, easy to learn to use, free of technological problems, and perfectly adequate for their needs. Choices range from the simple, free calendars given out in card stores to modular systems such as Day Timers. For individuals who are blind and prefer a paper system, there is a Braille desk calendar while for those who have low vision or

continued on page 6

Technology - Memory, Organization

continued from page 1

fine motor problems, there is a large print wall and desk calendar. People who cannot read can use a picture-based daily planner with removable cards picturing daily activities.

Another alternative is a **voice recording memo system** for calendar management. These systems can range from an inexpensive 20 second message recording device to systems with alarms that remind you of appointments in your own voice.

Voice recording systems provide easy data entry when the use of paper and pencil is impractical. Individuals with fine motor problems may find it easier to record memos and appointments rather than writing them down or entering them into a computer based system. Individuals who are blind may wish to use a new sight-free voice recording system.

Computer based systems use calendar management software available at retail sites or preloaded on your computer. It is certainly worth exploring preloaded software to see if it is suitable for your needs. If not, a careful look at the features available in such products as Names and Dates, DayTimer, ACT!, or Microsoft Outlook may identify a product that meets your needs. Personal Organizer software from Acrontech (716-854-3814) is specifically designed for use by individuals who need large print or speech synthesis capabilities. It offers a calendar, reminders, check writing, address book, a filing system and more.

Desktop computer calendar software may or may not come

with an alarm. Those that do may require that the computer be left on all the time. Some handheld computer systems like the Psion series and the Palm Pilot have alarms. Some also feature PC connectivity that would allow one to transfer data back and forth from the desktop to the hand-held computer. There is also a DataLink Watch which allows one to download appointments from a computer to a watch. Software can be found in retail stores such as Comp USA, MicroCenter, Staples, and Office Max.

Pill boxes and reminders for medication management come in a variety of forms. Plastic pill holders are available with 2, 4, 7 or 28 compartments. The 7 and 28 compartment holders hold up to a week's worth of pills. Some pill reminders have built in alarms, and one model can even be filled with a supply of water.

Individuals who are blind can find pill dispensers with Braille labels and/or large print letters. Individuals with fine motor difficulties may benefit from using either the jumbo pillboxes with large compartments or ones that have sliding covers rather than snap covers.

Sometimes a combination of devices will need to be used to achieve the best results. Individuals who are deaf or hard of hearing and need alarms to remind them of the time to take medication could use a pill reminder in combination with either a vibrating alarm watch or a vibrating pocket timer. This combination may also be useful for those who don't want an audible alarm on their reminder device.

MaxiAids (800-522-6294) and Independent Living Aids (800-537-2118) catalogs both provide a wide choice of pill reminders, as do drugstores such as Walgreens

and CVS.

Other Daily Activities:

Both computer software and paper products are available to assist in contact management, or keeping track of telephone numbers, phone numbers, email addresses, etc. for individuals with a variety of abilities and disabilities. Address books are available in Braille and large print, Acrontech computer software, which is compatible with voice synthesizers, is available to manage addresses and phone numbers. Many computers come with built in email address management systems.

Small electronic personal data organizers are widely available in drug stores, retail stores, and office supply stores. The compatibility of these devices with an individual's visual and motor skills is extremely important.

Memory phones, which eliminate the need to remember frequently dialed phone numbers, are also widely available, and come in models suitable for individuals who have additional special needs related to vision, hearing, or fine motor skills. Individuals who are not able to read may be able to use a photo memory phone.

Whatever your needs with regard to technology for memory and organization, there is probably a product or combination of products that can help you. For help finding or selecting a product, call Technology for Memory and Organization at (781) 444-0297.

This article was provided by Kathy McHale, a Disability Issues reader who is the founder of Technology for Memory and Organization, 185 Lindbergh Avenue, Needham, MA 02494. She can also be reached at kmchale@mediaone.net

Wheelchair Traveler

continued from page 3

airplane door in the first-class section can't be outfitted to be easily detached and temporarily removed, so the wheelchair user can enter the plane from the jetway and be secured as in paratransit vans with straps. A lot of inconvenience to all parties (and liability) would be avoided by transporting wheelchair users in their own chairs. Often my airline handlers will transfer me into that seat anyway because it makes their lives easier, there is more space, and then I get to enjoy a first-class meal.

Then there are the Amtrak trains, where doors into the car are too narrow to maneuver in many power chairs, the sole wheelchair spot is adjacent to the invariably smelly bathroom, and there are no seat belts or tie-down straps. At smaller stations where the tracks are not sunken, the car entrance is several feet off the ground, for which they have a too-small and very rickety platform lift. Up in the air like that I always feel like the Pope must, weaving back and forth

in the air on his sedan chair, waving gingerly to the crowds, and trying to look nonchalant.

The hotels, once one gets to a destination, can make a person wish they hadn't arrived. In a large Texas hotel (and what other kind are there?) I was given a wheelchair room on the 22nd floor. But only a contortionist could have reached the 22 button in the elevator from a wheelchair.

For our honeymoon in Acapulco years ago, my travel agent strongly advised booking the city's only wheelchair room in a popular American hotel chain's facility. We arrived to find a sunken lobby the 3 steps of which kept me from the bank of elevators. All that week we had to use the service elevator that was programmed for a mandatory stop in the kitchen. The prized wheelchair room was already occupied by a non-disabled couple and it wouldn't be available till the next day. We made do the first night and every night thereafter, as it turned out the special room's only access feature was a bracket handle on the wall at the head of the bed. The only saving grace of this experience was the \$100.00 a magazine publisher paid me for the satirical article I wrote to get

my revenge on that hotel chain.

And yet I was very pleasantly surprised recently in a small Connecticut city when the tow truck dropped us off at the only hotel after the car we were driving totally died on a highway off-ramp. It was a small hotel with only one wheelchair-accessible room, which luckily was not already occupied and which had been very expertly retrofitted for complete access, even with a roll-in shower. It was the only thing that salvaged that day!

A top-notch, luxury hotel in the Washington, DC area, into which I semi-annually booked large project meetings with numerous wheelchair users, accommodated us to the extent of rolling up and temporarily storing the Oriental rugs in the elevators. But their emphasis on service to guests went too far: The cleaning persons invariably "set the room right" every time I left it, returning the telephones to their prescribed places, where I couldn't reach them, so I couldn't phone to complain. And yet I was awakened early the first morning by the vibrating alarm clock under the pillow that the presumably deaf previous guest had left set for 5:30!

continued on page 8

Subscriptions to ***Disability Issues*** are available to all who find this publication useful and interesting. There is no fee, however, contributions to help defray the cost ensure the future of our efforts. Your tax-deductible donation, in whatever amount you can manage, will be greatly appreciated, and put to good use.

Please send *Disability Issues* to:

Make donation checks payable to the **Information Center**
P.O. Box 750119, Arlington Heights, MA 02475-0119

Information Center

P.O. Box 750119
Arlington Heights, MA 02175-0119

NONPROFIT ORG.

U.S. POSTAGE PAID

Boston, MA

PERMIT NO. 59443

IMPORTANT: If you no longer read *Disability Issues*, please help us serve others. Write or call us to cancel this subscription.

The ADA and Insurance

continued from page 1

disabled as a result of physical conditions receive benefits until death or age 65. Many mental health consumers see this differential treatment as unfair and a violation of the ADA.

In the case of *Lewis v. K-Mart*, 7 F. Supp. 2d 743 (E.D. Va. 1998), a district court struck down a two year cap on long-term disability benefits for mental disabilities as violating ADA. The court noted that K-Mart offered Mr. Lewis insurance benefits with inferior coverage because of his disability, without any actuarial justification. The court concluded that K-Mart violated the ADA by "offering Lewis a benefit plan which discriminates on the basis of mental disability."

Advocates seeking to challenge discrimination in long-term disability insurance are aided in the fact that the EEOC's insurance guidance applies explicitly only to health insurance. More-

over, the EEOC itself took a case challenging disparate disability insurance coverage for people with mental disabilities (*EEOC v. CNA Insurance Cos.*), although, the case was dismissed by a federal appeals court in late September 1998. As this decision demonstrates, long-term disability insurance litigation has frequently been sidetracked by assertions that an individual who is now totally disabled and unable to work is not covered by the ADA.

Cutting off benefits for people with mental disabilities after two years is disastrous for employees, many of whom have worked for years and paid into a plan, only to have it fail them when they need it most. If an insurer capped benefits for African-American workers but not for Hispanic workers, courts would have no trouble finding racial discrimination because of the long-standing history of bias against African-Americans. Similarly, courts should recognize policies that cap benefits only for mental disabilities and not for physical ones as discrimi-

natory because the policies are based on a history of treating people with these disabilities as second-class citizens.

(Source: Bazelon Center for Mental Health Law, <http://bazelon.org/welcome.html>)

Reprinted from Access New England a Publication of the New England ADA Technical Assistance Center.

Wheelchair Traveler

continued from page 7

And, bless that hotel in Minneapolis with button-activated door openers on restrooms in its conference area! I can invariably get in just fine, but can't pull the door open and steer my chair with my one good hand to get back out at the same time. Once in a deserted airport men's room I did manage to take off my tie, loop it through the door handle, pull the door open, and zip through before the wheelchair cab, for which I was being paged, left for town.