FOR IMMEDIATE RELEASE

North Suburban Regional Human Rights Authority
Report of Findings
HRA #08-100-9025
Alden Long Grove Rehabilitation and Healthcare Center

Case Summary: The HRA could not say with certainty that each bathroom is wheelchair accessible. However, the unit does have two bathrooms that would easily accommodate any size wheelchair. The allegation was unsubstantiated. The smoking room door is a fire door; although the HRA understands that it might be difficult to open for some residents, the door cannot be altered due to safety reasons. The HRA found that the telephone was not accessible due to its construction and its instability. The HRA's public record on this case is recorded below; the provider's response immediately follows the report.

In March 2008, the North Suburban Regional Human Rights Authority opened an investigation of possible rights violations within Alden Long Grove Rehabilitation and Healthcare Center (hereafter named Alden Long Grove). A complaint was received that reported that some bathrooms are not wheelchair accessible, some telephones are not accessible to those persons who use wheelchairs, and some doors are hard to open. If found substantiated, the allegations would be violations of the Nursing Home Care Act (210 ILCS 45/2-108) the Americans with Disabilities Act of 1990 (Title 42 of the United States Code), and the Skilled Nursing and Intermediate Care Facilities Code **(**77 Ill. Admin. Code 300).

Background

The Alden Network serves Chicago, suburban areas, Rockford and southern Wisconsin. The various services include independent living for older active adults, assisted living, and skilled rehabilitation and nursing facilities. The focus of this investigation is a 210-bed skilled and intermediate care nursing facility located in Long Grove.

Findings

The complaint stated the above cited-allegations are occurring in the facility's basement. The HRA discussed the allegations with the facility's Director and toured the facility in May 2008. The HRA learned that those residents (about 20) housed in the lower level of the building have behavioral health issues. While touring the area, the HRA found that each room is for two residents who share a bathroom. The area also has two shower rooms and both contain toilets. In inspecting the bathrooms for wheelchair accessibility, it appeared that each bathroom would accommodate a wheelchair.

Regarding the allegation that some doors are hard to open, the complaint stated that the door to the smoking room was very hard to open. In inspecting this door, the HRA learned that it is a fire door. It did not seem hard to open to the inspectors.

The residents in this area are allowed to use the telephone at the nurses' station and there is a phone on the unit for personal use. The phone on the unit is a standard wall telephone, with many buttons for out-going lines. The phone was accessible to someone in a wheelchair, however it was difficult to use as there were no instructions by the phone showing which button to use for an outside line. And, the phone was not securely mounted to the wall.

Conclusion

Pursuant to the Nursing Home Care Act, Section 2-108, "Every resident shall be permitted unimpeded, private and uncensored communication of his choice by mail, public telephone or visitation. The administrator shall ensure that correspondence is conveniently received and mailed, and that telephones are reasonably accessible."

Pursuant to the Americans with Disabilities Act of 1990 Section 12183, "With respect to a facility or part thereof that is altered by, on behalf of, or for the use of an establishment in a manner that affects or could affect the usability of the facility or part thereof, a failure to make alterations in such a manner that, to the maximum extent feasible, the altered portions of the facility are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs. Where the entity is undertaking an alteration that affects or could affect usability of or access to an area of the facility containing a primary function, the entity shall also make the alterations in such a manner that, to the maximum extent feasible, the path of travel to the altered area and the bathrooms, telephones, and drinking fountains serving the altered area, are readily accessible to and usable by individuals with disabilities where such alterations to the path of travel or the bathrooms, telephones, and drinking fountains serving the altered area are not disproportionate to the overall alterations in terms of cost and scope (as determined under criteria established by the Attorney General)."

Pursuant to the Skilled Nursing and Intermediate Care Facilities Code, Sections 300.2900 and 300.3100 state in part that existing structures must have 30 inches of door width to bathrooms and new constructions must have 3 feet. Doors and windows must fit snugly and be weather tight, yet open and close easily. Elevator controls, alarm buttons, and telephones shall be accessible to physically handicapped.

As wheelchairs do not come in standard sizes, the HRA cannot say with certainty that each bathroom is wheelchair accessible. However, the unit does have two bathrooms that would easily accommodate any size wheelchair. The allegation is unsubstantiated.

The smoking room door is a fire door; although the HRA understands that it might be difficult to open for some residents, the door cannot be altered due to safety reasons.

The HRA found that the telephone was not accessible due to its construction and its instability. It is therefore, recommended that the telephone be changed so that the residents can make outgoing calls with easy access.

RESPONSE

Notice: The following page(s) contain the provider response. Due to technical requirements, some provider responses appear verbatim in retyped format.

September 2, 2008

Dan Haligas, Chairperson
North Suburban Regional Human Rights Authority
9511 Harrison Street, W-300
Des Plaines, IL 60016-1565

RE: Alden – Long Grove Rehabilitation and Health Care Center
HRA #08-100-9025

Dear Mr. Haligas:

Alden – Long Grove is in receipt of your letter dated August 6, 2008, as well as the Human Rights Authority's Report of Findings and recommendations. While Alden – Long Grove does not agree that any violation existed, it has responded to the report and recommendations as follows:

Alden – Long Grove has securely mounted a new telephone to the wall in the lower level unit. In addition, the facility has posted clear and visible instructions next to such telephone explaining the process for reaching an outside line. The telephone remains accessible to wheelchair-bound residents.

Please be advised that by responding to the HRA's Report of Findings and recommendations, Alden – Long Grove is not admitting that any violation existed. Furthermore, this response is not intended to be, nor does it constitute, an admission of liability or agreement of any kind by Alden – Long Grove of the truth of the findings or determinations of violations in this matter. Alden – Long Grove does not waive and hereby preserves any and all substantive and procedural defenses that may exist to the HRA's determination.

In the event that the Regional Human Rights Authority elects to make its findings part of the public record, Alden – Long Grove requests that the above response and comments be included in any publicly released report.

If you require any additional information, please do not hesitate to contact me at [redacted]. Thank you.

Respectfully submitted,

Maya J. Moore

Maya J. Moore, Esq.
Attorney for Alden – Long Grove