



Department of Human Services (DHS)

Americans with Disabilities Act (ADA)

Other Power-Driven Mobility Devices (OPDMD) Policy

Purpose

The purpose of this policy is to provide the Department of Human Services staff with guidance on the use of Other Power-Driven Mobility Devices in our facilities or when needed to participate in DHS programs, services, or activities.

Definitions

Wheelchair - "a manually-operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor or of both indoor and outdoor locomotion."

Other power-driven mobility device (OPDMD) - "any mobility device powered by batteries, fuel, or other engines... that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices... such as the Segway® PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair".

DHS will allow people with disabilities to use manual or power wheelchairs or scooters, and manually-powered mobility aids such as walkers, crutches, and canes, if needed to participate in DHS programs, services and activities.

DHS will allow people with disabilities to use OPDMD's unless a particular type of device cannot be accommodated because of legitimate safety requirements. When DHS does not allow a particular type of device, we will provide the service using alternative methods if possible, e.g., provide services in an alternate location.

DHS staff will not ask people using OPDMDs' about their disability.

Credible Assurance

DHS staff are allowed to ask the person using an OPDMD device to provide credible assurance that the device is being used because of a mobility disability. If the person presents a valid, State-issued disability parking placard or card or a State-issued proof of disability, staff will accept this as a credible assurance. If the person does not have this documentation, but states verbally that the OPDMD is being used because of a mobility disability, staff will also accept this as credible assurance unless the person is observed doing something that contradicts this assurance. The fact that a person with a disability is able to walk for a short distance does not necessarily contradict a verbal assurance

In order to determine if a particular type of OPDMD can be used in our facilities or is needed to participate in DHS programs, services or activities the following five factors will be considered.

1. The type, size, weight, dimensions, and speed of the device;
2. The facility's volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);
3. The facility's design and operational characteristics (e.g., whether its business is conducted indoors or outdoors, its square footage, the density and placement of furniture and other stationary devices, and the availability of storage for the OPDMD if needed and requested by the user);
4. Whether legitimate safety requirements (such as limiting speed to the pace of pedestrian traffic or prohibiting use on escalators) can be established to permit the safe operation of the OPDMD in the specific facility; and
5. Whether the use of the OPDMD creates a substantial risk of serious harm to the immediate environment or natural or cultural resources.

DHS staff will consider these assessment factors as relate to an entire class of device type, *not* to how a person with a disability might operate the device.

All types of devices powered by fuel or combustion engines will be excluded from DHS indoor facilities for health and environmental reasons, but may be deemed acceptable in some outdoor DHS activities. Also, for safety reasons, larger electric devices such as golf cars will be excluded from indoor areas.

DHS will allow smaller devices such as Segways® in most circumstances. Each decision on use of OPDMD will be made on a case-by-case basis.

If DHS allows use of an OPDMD we will require users to operate them at a safe speed and let them know if there are any areas where the devices cannot be used. If a device cannot be used DHS will provide storage for the device if available.

Staff Training

DHS will provide ongoing staff training to ensure people with disabilities who use OPDMDs for mobility are not turned away or treated inappropriately. Training will include instruction on the types of OPDMDs that can be accommodated, the rules for obtaining credible assurance, and the rules for operation of the device while participating in DHS programs, services, or activities.