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**Subcommittee on Regulations Meeting Minutes -September 25, 2024**  
**Teams Meeting**

This meeting was open to the public and began approximately at 10:05 AM.

Subcommittee member attendance:

Jeff Dougan (JD)- Chairperson  
Carol Steinberg (CS), Vice Chairperson  
Michael Kennedy (MK)  
Patricia Mendez (PM)  
Deborah Ryan (DR)  
Ana Julian (AJ)  
Joe Prochilo (JP)

Division of Professional Licensure Employees attendance:

William Joyce – AAB Executive Director (WJ)  
Jamie Dalton- Board Counsel (JaD)  
Molly Griffin – Program Coordinator (MG)

JD opened the meeting for Roll Call:

CS, AJ, MK, PM, JP, DR (joins later at 10:39 AM)

1. 10:06 AM            219 Assistive Listening Systems (ALS)

- WJ: Fixed versus portable systems; mainly looking at the exception to 219.2
- WJ: Generally, this is saying in places that aren't providing audio amplification at all it would not require an ALS. Our regs differ slightly in that we differentiate between permanent and portable systems. We require portable ones in places of certain size
- JD: I feel that in this day and age, systems should be provided. We might have to limit it to the size (current regs)
- CS: I agree with you (JD)
- WJ: ALS captures sounds from mics and sends a copy of it to the ALS to allow someone to have a portable speaker or a hearing aid, but you are capturing the sound somehow
- CS: In general I agree with JD
- WJ: Do you want to bring in the exception from the current regs?

- CS: How about 20 as the number, I think 50 is too high
- JP: What about service areas?
- WJ: Those are probably retail areas, not actually places of assembly
- CS: Does the 50 person limit apply to courtrooms?
- WJ: It does in the current regs
- CS: I think 50 is high - what do other people think? Just because classrooms and meetings are less than that usually
- WJ: Again, this would only be in places that do not have ALS already. We're just talking about places less than 50 people *and* don't already have an ALS
- MK: I'm in agreement with CS too, I would like the number be lowered a little bit anyways
- JD: WJ, does the ADA design standards outline this, we named the limit right?
- WJ: Yes
- CS: I want to capture classrooms though
- JD: Right, but that's an IEP
- CS: What about adult classrooms?

Motion to Alter the exception to 219.2 to include "or assembly areas with a capacity of greater than 20" by CS

2<sup>nd</sup> by MK

- JD: WJ, will this require permanent or portable ALS?
- WJ: ADAAG doesn't differentiate between the two

Roll Call Vote

JP- yes

PM- yes

MK- yes

AJ- yes

CS- yes

JD- yes

6 yes, 0 no, 0 abstentions- Motion Passes

- WJ: Do you want me to rewrite this exception into 219.2, so it's positive and not negative things we have to exclude. It will just rearrange it, not any substantive changes
- WJ: The next point is the exceptions to 219.3. FYI number 2 is saying if all of your things are compatible anyway, we are not going to require you to have separate systems because it would be redundant. 1 is saying if you have 10 classrooms, we would let you move the receivers around the classrooms as long as they are compatible with all of the rooms
- WJ: 1 is like what we do with parking spaces; we'd count all of them together in a central pool and then allocate where they are needed
- PM: That makes sense
- JD: Do we need to take action?
- WJ: yes, there's conflict

Motion to Accept Exceptions 1 and 2 by PM

2<sup>nd</sup> by JP

- CS: Where do these exceptions come from?
  - WJ: ADAAG
- By Acclamation/Carried

- CS: I have a question about courtrooms. Many times, a jury says they cannot hear me, these ALS should help that right?
- WJ: Only if they have a hearing aid, are deaf or hard of hearing

2. 10:34 AM 221 Assembly Areas

- WJ: The only difference is an exception which I think is straightforward. You're not required to disperse the wheelchair seating in team areas like a dugout, not a member of the audience
- AJ: Are the advisories going to be included?
- WJ: It will be in a separate advisory booklet

Motion to Accept Exception to 221.2.3 by CS

2<sup>nd</sup> by PM

By Acclamation/Carried

- WJ: The next conflict is in 223.2.3.1 ADAAG uses 300 and MAAB uses 150 total seats
- JD: So 300 or 150
- WJ: Yeah, so the MAAB requirement is more strict
- CS: What is horizontal dispersion
- WJ: I would just switch the 300 to 150 because I think the second part of the ADAAG exception is necessary

Motion to Change 300 to 150 in 223.2.3.1 by CS

2<sup>nd</sup> by MK

By Acclamation/Carried

- WJ: Okay, now exception two (of 221.2.3.1)
- JD: They would still be obligated for the companion seats, right?
- WJ: yes
- DR: This would allow two wheelchair users to sit together
- CS: If I had more than one companion,
- WJ: It wouldn't affect anything
- DR: The only thing you can't do is have 3 wheelchair users sitting together

Motion to Accept Exception 2 to 221.2.3.1 by DR

2<sup>nd</sup> by JP

By Acclamation/Carried

- WJ: Okay 221.2.3.2, the same 150 versus 300, but they don't have to put you behind a pillar if they can get you a better view
- DR: If you reduce it to 150 seats, that's a pretty small auditorium, and you'll end up with seats in the front and in the back

Motion to Change 300 to 150 in 221.2.3.2 by CS

2<sup>nd</sup> by JD

Roll Call Vote

DR- no

JP- yes

PM- yes

MK- yes

AJ- yes

CS- yes

JD- yes

6 yes, 1 no, 0 abstention – Motion Passes

- WJ: 221.4- designated aisle seats, this exception carves out team and player seating areas
- CS: There could be a coach or manager that is in a wheelchair
- DR: It's not intended for wheelchair users though CS; it's for somebody who has difficulty walking
- CS: I just don't think we need that exception
- DR: The only problem with taking it out, is you're making a conscious effort to take it out of the ADA requirements
- WJ: My concern here is it would increase confusion

Motion to Accept the exception by DR

2<sup>nd</sup> by AJ

Roll Call Vote

JD- yes

CS- no

AJ-yes

MK- yes

PM- yes

JP- yes

DR- yes

6 yes, 1 no, 0 abstention- Motion Passes

3. 10:54 AM 213.2

- WJ: Have you guys developed your thoughts about 213.2 since last time?
- JD: If I remember correctly, we were trying to figure out when and how many single user restrooms
- DR: I think if there are 20 or more fixtures in a toilet room, a single user restroom should be required. If there's 20 toilets in the women's room
- CS: So, you're saying this requirement is too small of a building?
- WJ: So, DR is proposing an entirely different layout. The original is looking at building size and DR's proposal is looking at larger restrooms should have a single user required
- DR: My biggest problem is it doesn't tell you where the toilet room has to be located
- DR: I would rather see a single user toilet in addition to the men's and women's rooms
- WJ: I think the pod design where you have individual toilet rooms with toilets and shared sink facilities, individuals with certain devices who need to clean it in a sink is why this exception as written the way it was
- DR
- CS: If we got testimony about that (emptying bags/devices) I'm not happy if we are not addressing it
- DR: I think the reality is that the regs can't address every single issue
- WJ: We have to think about adult changing tables about upcoming legislation which would work best in single-users
- WJ: I think we need something for single-users to be required in larger buildings with changes in legislation that are upcoming
- DR: I would be willing to change to 10 or more fixtures if that helps
- WJ: I think it would

Motion to Alter 213.2 to be based on fixtures rather than number of restrooms by DR  
2<sup>nd</sup> by MK

- CS: I am just trying to figure out the distinction
- JD: We are counting the toilets or urinals
- CS: So would it require single-users more?
- WJ: It would capture the type of facility we were looking to capture with this requirement

By Acclamation/Carried

4. 11:13AM 222 Dressing, Fitting, and Locker Rooms

- WJ: I think we can drop this exception (to 222.1)

Motion to Strike the Exception to 222.1 by DR  
2<sup>nd</sup> by CS

By Acclamation/Carried

5. 11:14 AM 223 Medical Care and Long-Term Care Facilities

- WJ: Okay the exception to 223.1
- CS: I am vigorously opposed to that exception
- WJ: This is not the general ER, this is the ICU
- DR: These are sleeping units, you don't have sleeping units in the ER
- CS: What about your visitors?
- WJ: This doesn't apply to common toilet rooms, only to toilet rooms in the bedrooms themselves
- CS: I just don't see any reason for the exception
- WJ: I think because the people in these rooms cannot use the bathroom full stop
- DR: Then I think if you're thinking about visitors then every room would have to be like that
- CS: A lot of hospitals do not have accessible bathrooms
- DR: These are not standard patient bedrooms
- WJ: These are people who are on a vent, need close supervision, or require life support for normal bodily functions
- CS: I don't know, I've just had too many bad experiences and going into the public restroom is just not possible
- JP: Right but you were a visitor not the patient
- WJ: Our regs are always centered around that the toilet room in the sleeping room is for the resident not for the visitors

Motion to Accept the Exception to 223.1 by DR  
2<sup>nd</sup> by JP

Roll Call Vote

DR- yes

JP- yes

PM- yes

MK- yes

AJ- no

CS- no

JD- yes

5 yes, 2 no, 0 abstention- Motion Passes

- CS: 223.2.1 and 223.2.2 have this distinction about conditions that affect mobility
- WJ: So it's about what percentage of rooms need to have mobility features based on what is being treated
- CS: I guess my question is about the 10% of rooms in a regular hospital. Is that sufficient?
- WJ: 10% is double what we require in residential facilities
- JP: Are we differentiating between rooms and bathrooms?
- CS: I want to raise it to 15%
- CS: When was the 10% written into this
- WJ: Probably 1996 for ADAAG
- CS: For that reason and the aging population it should be updated

Motion to change 10% to 15% in 223.2.1 by CS

2<sup>nd</sup> by PM

Roll Call Vote

CS- yes

AJ- yes

MK- no

PM- yes

JP- yes

DR- no

JD- yes

5 yes, 2 no, 0 abstention- Motion Passes

Motion to Add 223.1.2 "Distribution : Those sleeping rooms required to comply with 805 shall be distributed among different locations within the facility to serve various floors and units" by CS

2<sup>nd</sup> by DR

By Acclamation/Carried

- CS: Are showers governed by anything here?
- WJ: Yes, by the type they are and the pertaining section captive versus common

#### 6. 12:03 PM            225 Storage

Motion to Adopt 225.3 and 225.3.1 by DR

2<sup>nd</sup> by PM

By Acclamation/Carried

#### 7. 12:04 PM            226 Dining Surfaces and Work Surfaces

- DR: There are two issues, how often do wheelchair users go into a restaurant and ask for an accessible table? Or just sit at a table they give you
- MK: No
- CS: I don't ask either I deal with whatever I have
- DR: There should be a requirement that at least 50% of the tables in a restaurant cannot be high tops or booths
- JD: So lower tables and 5% having the accessibility features
- DR: I think that's the only way I can keep the 5%
- AJ: Can you clarify the 50% versus 5%

- DR: The 50% would be to eliminate all high top tables and then out of those 50%, 5% have to have the knee and toe clearance
- CS: Do we need to raise the 5% to 10%? I just want to address the booth issue
- WJ: My recommendation would be no for now because we are doing fairly ambitious decisions now and we should see how that turns out
- DR: I don't think you can eliminate booths
- JD: Think about Texas Roadhouse, they are mostly booths

Motion to Adopt 226.1.2 "50% of the seating and standing spaces at the dining surfaces shall comply with 902.3 (height)" by DR

2<sup>nd</sup> by AJ

- PM: I would be a little more explicit with the language
- WJ: that's what 902.3 is
- PM: Yes, but add in the word height
- WJ: Okay

By Acclamation/Carried

- CS: But I am still concerned about the booth issue

Motion to raise 5% to 10% in 226.1 by CS

2<sup>nd</sup> by MK

By Acclamation/Carried

- DR: 226.2 (Dispersion) I think this is where the bar height is coming in. If you have a bar that has 10 seats you are requiring 1 accessible seat, and a lower height. I think to have the small section of bar lowered is more discriminatory than not. The 2010 standard did not require that the bar be lowered
- WJ: Do you want an advisory?
- CS: I think we should talk about it and MK should weigh in
- CS: If one other person can be low with me that's fine
- DR: I would prefer to see the entire bar at chair height than have the up and downs
- MK: I'm more concerned about the tables near the bar, but I've only seen a couple of times where there is a lower section of the bar. I want lower tables in the lounge area
- DR: I think getting rid of the high tops help, and now we have to disperse them
- JD: The ADA does require a lower section?
- DR: Not necessarily
- JD: Where they have a lowered section of the bar, should they have a companion seat like we require in assembly areas?
- DR: Bottom line is you're asking for two accessible spaces. And if you could get rid of most of the high top tables in the bar area you could feel better
- WJ: I think the language is broad which is helpful. Is this best handled by an advisory?
- DR: I think that's a great idea. I think the only difference is I think the bar should be 60 inches for two wheelchair spaces
- CS: So it doesn't address what MK was concerned about, so we might want to add before the advisory something specific
- JP: There is a general issue
- PM: So why do bars really need it that high? What if we say 50% of the bar should be lowered

- DR: Most of the problem is the equipment, if you lower the bar completely you would need to lower the floor of the bar. The equipment needs to fit.
- WJ: Traditional bars assume participants are standing
- PM: I still think 50%
- DR: There's way more to it. I think you'd get a lot of pushback on that
- PM: I am disagreeing that the person who is spending a minute or two at the bar and leaving
- DR: I think JP mentioned something about sitting in the bar area, I think the 50% should include seating in the bar area not just the dining room

Motion to Alter 226.2 adding "or 902.3" by DR  
 2<sup>nd</sup> by MK  
 By Acclamation/Carried

- JD: Do we want to address the advisory?
- WJ: The advisory is just clarifying that you can use tables within the bar area or lower the bar to meet the dispersion requirement
- WJ: This would be in the advisory booklet

Motion to Accept Advisory for 226.2 by DR  
 2<sup>nd</sup> by CS

- DR: If you have a restaurant that has a bar with no seating, then the bar would have to have a lower section
  - WJ: Yes
- By Acclamation/Carried

8. 12:58 PM            Minutes

Motion to Approve Minutes with corrections from the August 28, 2024, Meeting by CS  
 2<sup>nd</sup> by MK  
 By Acclamation/Carried