

NEWS RELEASE

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Governor, Attorney General Urged to Protect Rights of Disabled as COVID-19 Cases Increase at Hospitals, Medical Care Systems

Disability Rights Connecticut Calls for Equitable, Democratic and Nondiscriminatory Standards of Care Before Scarcity Begins Driving Medical Decisions

Seeking to “prevent avoidable tragedy in our community,” Disability Rights Connecticut (DRCT) is urging state officials to “take specific steps to ensure that life-saving care is not illegally withheld” from disabled residents “due to discriminatory resource allocation or altered standards of care during the coronavirus pandemic.”

In an urgent letter to Governor Ned Lamont and Attorney General William Tong, the disability rights organization requested the issuance and dissemination of “mandatory principles, consistent with the Connecticut Constitution, state and federal law, reaffirming that persons with disabilities should not be denied medical care...” DRCT is also urging the Governor to designate his staff to work with representatives of the state Department of Public Health, Connecticut hospital ethics committees and individuals from the disability community to develop “processes for operationalizing non-discriminatory allocation of resources.”

Disability Rights Connecticut, a statewide non-profit organization, advocates for the human, civil, and legal rights of people with disabilities in Connecticut.

Citing the non-discrimination requirements of the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act, and Section 1557 of the Affordable Care Act, the letter emphasizes that “persons with disabilities should not be denied medical care on the basis of stereotypes, assessments of quality of life, or judgments about a person’s relative ‘worth’ based on the presence or absence of disabilities.”

Decisions “concerning whether an individual is a candidate for treatment should be based on an individualized assessment of the patient based on the best available objective medical evidence,” DRCT Interim Executive Director Bob Joondeph said in the letter to the state leaders. The DRCT requests come following an unprecedented series of Executive Orders and guidance issued by the Governor and state officials in recent weeks, and urge actions that would be consistent with the leadership Gov. Lamont has provided throughout the crisis.

Connecticut’s State Constitution also provides protections, Disability Rights Connecticut noted. “In Connecticut, disability rights are not merely aspirational, or the province of federal and state statutes and regulations. Rather, disability rights are protected in our Constitution which reads in pertinent part: No person shall be denied the equal protection of the law nor be subjected to segregation or discrimination in the exercise or enjoyment of his or her civil or political rights because of ... physical or mental disability.”

“We are on the verge of a statewide crisis in access to care,” Joondeph said, referencing recent updates provided to state residents by Gov. Lamont, who indicated this past week that Connecticut has the 4th highest incidence of COVID-19 cases per capita in the U.S. “While there is still a window of opportunity, now is the time for Connecticut to act to establish equitable,

democratic and nondiscriminatory standards of care before scarcity begins driving medical decisions across the state.”

Joondeph also cited official guidance issued by the U.S. Department of Health and Human Services Office for Civil Rights on March 28 that stated “the laudable goal of providing care quickly and efficiently must be guided by the fundamental principles of fairness, equality, and compassion that animate our civil rights laws. This is particularly true with respect to the treatment of persons with disabilities during medical emergencies as they possess the same dignity and worth as everyone else.”

The letter also noted that “people with disabilities are, and will be, at high risk of contracting COVID-19, particularly those who are in congregate residential programs, state-operated institutional settings, prisons and jails, and long-term care facilities,” while recognizing that “Connecticut is already making efforts to protect these residents’ safety and their ability to access medically necessary services.”

In the letter, DRCT indicated that the organization “stands ready to assist” state officials and can “bring to bear a range of local and national resources and expertise, including emerging best practices.”

The DRCT letter adds to the ongoing actions of the Connecticut disability community, which has conducted a DRCT and State Independent Council sponsored webinar on COVID-19 and equal access to care, as well as a CT Call to Action and letter to the Governor regarding the risks of disability discrimination during this crisis.

DRCT provides legal advocacy and rights protection to a wide range of people with disabilities, and assists individuals with problems such as abuse, neglect, discrimination, access to assistive technology, community integration, voting, and rights protection issues. DRCT also addresses issues through policy advocacy, education, monitoring, and investigation. Disability Rights Connecticut replaced the state Office of Protection & Advocacy for Persons with Disabilities in 2017.

Information about Disability Rights Connecticut is available at www.disrightsct.org.

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