

NEWS RELEASE

Tuesday, March 30, 2021



Disability Rights Connecticut Seeks Expedited Action from U.S. Office for Civil Rights; Says Connecticut's New COVID Vaccine Policy is Unlawful and Discriminatory, Places People at Increased Risk

Disability Rights Connecticut (DRCT) has filed a formal complaint calling on the U.S. Office for Civil Rights (OCR) at the U.S. Department of Health and Human Services to require Connecticut to revise its discriminatory plan to allow hospitals to decide, without any uniform statewide policy and procedures, who will be eligible to receive a COVID-19 vaccine as of April 1.

The complaint, filed today, also calls on OCR to require the state to amend its limited and arbitrary list of which disabilities will allow for eligibility, which is inconsistent with guidelines delineated by the Centers for Disease Control and Prevention (CDC).

DRCT is also calling on OCR to inform Connecticut that as the regulatory authority overseeing hospitals, it can and should establish a consistent, uniform statewide plan for vaccine eligibility.

"Whether or not individuals with disabilities can receive a potentially life-saving vaccine should not depend on which high-risk disability or medical condition they have, where they live, which hospital's jurisdiction they fall under, or the whim of an administrator. This is the State of Connecticut, not *'The Hunger Games,'*" said DRCT Executive Director Deborah Dorfman. "People will be left out and left behind merely because their condition is complicated and not deemed 'worthy' of prioritization by Connecticut, despite the contrary determination of the CDC. That is not, and should not be, an acceptable criteria for healthcare decisions."

Governor Ned Lamont and state Chief Operating Officer Josh Geballe indicated on Monday that the decision to select specific conditions of eligibility (only 5 disabilities and not others) were those that "chief medical officers at the hospitals felt were most worthy of prioritization," and that utilizing the more extensive CDC list would be cumbersome for medical providers.

There was no process for individuals with disabilities to request, or receive, a reasonable modification to this arbitrary and inconsistent approach. Hospitals – and other organizations administering vaccines - are not required to inform the public in regards to how their decisions will be made. The state has also not mandated that providers follow the list made public on Monday, or the general idea of "accelerated access." It is, Dorfman noted, "utterly untenable, indefensible, flawed and unlawful."

DRCT noted that the [advisory groups](#) that Gov. Lamont had previously formed to oversee the process in Connecticut have apparently not been consulted on these critical decisions: the Vaccine Advisory Group apparently has not met since January; the Allocations Subcommittee since early February.

Connecticut's age-based vaccine policy, as well as the add-on priority qualification categories, according to state officials, differs significantly from guidelines recommended by the CDC and has been adopted even though it is well-established that people with disabilities are disproportionately

negatively impacted by COVID-19 and more likely to contract the virus and experience severe, often life-threatening, and prolonged symptoms.

“Connecticut once again is developing policy driven by what is easier. But merely because it may be easier does not make it right. And this policy is not only an outlier nationally, it blatantly disregards CDC policy guidelines, the Americans with Disabilities Act, and the rights of individuals – all individuals - with disabilities,” said Dorfman.

Once again during the COVID-19 public health crisis DRCT must seek intervention by OCR – as the State of Connecticut once again has opted not to protect the rights of individuals at greater risk.

Disability Rights Connecticut (DRCT) previously filed a complaint with the U.S. Office for Civil Rights (OCR) on February 25, 2021, calling on the agency to “immediately investigate and issue findings on an expedited basis” that Connecticut’s age-based policy for vaccinating state residents “constitutes disability discrimination in violation of federal law.” The supplement to the Complaint filed today responds to the altered state policy announced by the Governor in recent days.

In a significant victory last year for people with disabilities, to ensure equal access to medical care and proper treatment during the COVID-19 pandemic, a discrimination complaint filed by DRCT and a coalition of state and national advocacy organizations resulted in the State of Connecticut agreeing to end discriminatory practices that jeopardized equal care and treatment. Under an agreement forged by OCR, the state Department of Public Health issued a new statewide policy superseding the existing discriminatory guidance that prevented most people with disabilities who were hospitalized from having a support person with them.

Also this year (and throughout last year), DRCT, along with dozens of advocacy organizations in Connecticut representing individuals with disabilities and individuals who are members of the Black, Brown, Indigenous, and Asian communities, have urged DPH to promulgate uniform guidelines to state hospitals to prevent discriminatory practices should the rationing of care become necessary during the COVID-19 pandemic.

“Time and time again, the State and the Department of Public Health have stubbornly refused to protect the rights of individuals with disabilities and other constituencies during this public health crisis,” Dorfman said. “The abrupt change in vaccine eligibility policy announced last month, and the haphazard revision announced during the past few days, are the latest disturbing examples.”

The DRCT complaint was filed with OCR on February 24, 2021, the first supplement to the Complaint was filed on March 17, 2021, and the second supplement was filed on March 30, 2021.

Disability Rights Connecticut, a statewide non-profit organization, advocates for the human, civil, and legal rights of people with disabilities in Connecticut. DRCT is the Protection & Advocacy System for Connecticut, having replaced the state Office of Protection & Advocacy for Persons with Disabilities in 2017. DRCT (www.disrightsct.org) has been a leading advocate throughout the coronavirus pandemic, as have Protection & Advocacy Systems nationwide.

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Media Contact:
Bernard Kavaler
(860) 729-3021
bernard@express-strategies.com

Disability Rights Connecticut 846 Wethersfield Avenue, Hartford, CT 06114
Phone: (800) 842-7303 (toll-free in CT) (860) 297-4300 (voice) www.disrightsct.org