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**DISABILITY RIGHTS  
CONNECTICUT**  
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## **NEWS RELEASE**

*Friday, December 31, 2021*

### **Disability Advocacy Organizations Say State Fails to Address Needs of People with Disabilities and Individuals in State Custody in Broadly Promising COVID Test Kits, N-95 Masks First Come, First Served**

Disability Rights Connecticut, the statewide protection and advocacy system for individuals with a range of disabilities, and Connecticut Legal Rights Project, an advocacy organization for people with psychiatric disabilities, today wrote to Governor Ned Lamont, expressing grave concern that, as the state promises broad distribution of essential supplies of COVID-19 test kits and N-95 masks during the surging Omicron wave of infections, it has done nothing to ensure that people who are at high risk, either because of their health status or because they are living in congregate settings such as group homes, inpatient psychiatric hospitals or prisons, have timely access to these limited supplies.

The Governor has abdicated responsibility for the distribution of these supplies in an equitable manner consistent with state and federal law, the organizations stated. He has encouraged a first come, first-served basis for distribution of these essential supplies and apparently has taken no action to **require** that the 169 municipalities, through which distribution is largely being accomplished, prioritize individuals with disabilities which puts them at enhanced risk of severe disease, even if vaccinated. This includes children and adults who are immuno-compromised.

There also is no required priority for people with disabilities who live in settings where infection from the highly contagious Omicron variant is very likely. And there is no indication that individuals in state custody living in risky congregate settings, who can't go to municipal distribution centers, have been prioritized for these supplies, or will even receive any of them. Given the shortage of sufficient supplies to meet public demand, at least initially, the failure to prioritize such high-risk individuals is particularly troubling.

In their letter, copy attached, DRCT and CLRP laid out several state and federal laws which prohibit discrimination and require reasonable accommodation for people with disabilities, including Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973, which protect a broad range of individuals with disabilities, respectively, in the provision of governmental services and under programs funded in whole or in part by the federal government. The letter also noted that convicted prisoners have constitutional rights to protections under the Eighth Amendment of the United States Constitution and under the Connecticut Constitution, which includes protection from communicable diseases, and that individuals confined to the state's psychiatric institutions and programs, such as Whiting Forensic Hospital and Connecticut Valley Hospital, not only have constitutional rights to treatment and protection from harm, but also are protected under state law.

The letter requests that the Governor and Department of Public Health (DPH) provide DRCT and CLRP with a written plan setting forth a means by which DPH and any other relevant state agencies, including DMHAS, DOC, DCF, and DDS, will ensure, at a minimum, that people with high-risk disabilities in the community will be prioritized to receive at-home test kits and N-95 masks and that

those who live in high-risk state-operated or funded institutions or programs will immediately be provided with these supplies.

*DRCT's mission is to advocate, educate, investigate and pursue legal, administrative, and other appropriate remedies to advance and protect the civil rights of individuals with disabilities to participate equally and fully in all facets of community life in Connecticut. DRCT is the Protection & Advocacy System for Connecticut, having replaced the state Office of Protection & Advocacy for Persons with Disabilities in 2017.*

*CLRP is a statewide legal services organization whose clients are low-income people with psychiatric disabilities. CLRP was created by a federal consent decree in 1990 to serve psychiatric inpatients in state facilities and provide them with their constitutional right to access the courts. CLRP also provides legal representation to low-income people with psychiatric disabilities who reside in the community.*

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