



## **Large Coalition of National Disability and Health Advocacy Organizations Endorse Guidance On Preventing Disability Discrimination in COVID-19 Treatment Rationing**

April 3, 2020

Today, the Bazelon Center for Mental Health Law, Center for Public Representation, The Arc of the United States, Autistic Self Advocacy Network, Disability Rights Education & Defense Fund, and Professor Samuel Bagenstos released [critical guidance](#) to states and healthcare providers about how to avoid discriminating against people with disabilities if rationing access to COVID-19 treatment becomes necessary. The guidance is endorsed by 90 national disability and health advocacy organizations.

As COVID-19 cases increase and spread throughout the country, U.S. health officials are predicting that there will not be enough ventilators, medical equipment, hospital beds, and health care personnel to meet the demand of patients with the virus who require intensive treatment. Some states and cities are already experiencing a shortage, and health care professionals and state officials have begun developing and updating protocols to determine who will and will not have access to life-saving COVID-19 treatment in the event care rationing becomes necessary. Last week, advocates [filed four complaints](#) with the U.S. Department of Health and Human Services, Office for Civil Rights (HHS-OCR) challenging the treatment rationing plans of Washington State, Alabama, Kansas, and Tennessee as discriminatory against people with disabilities in violation of federal disability rights laws and expressing grave concerns about the threat such plans pose to the lives of people with disabilities. The [Consortium for Citizens with Disabilities](#), [National Council on Disability](#), and [members of Congress](#) also sent letters to HHS-OCR, asking it to issue guidance about the application of disability rights laws to rationing plans.

In response to these complaints and letters, HHS-OCR issued a [Bulletin](#) on March 28, 2020 entitled “Civil Rights, HIPAA, and the Coronavirus Disease 2019 (COVID-19),” that makes clear that federal disability laws prevent people with disabilities from being “put at the end of the line for health services during emergencies” and “protect the equal dignity of every human life from ruthless utilitarianism.” The HHS-OCR Bulletin explains the obligations of states and health care providers to comply with federal disability rights laws in developing treatment rationing plans and administering care in the event of a shortage of medical equipment. The guidance released today by advocates elaborates on the requirements in the HHS-OCR Bulletin and explains how states and health care providers can take concrete steps to modify policies and practices so that people with disabilities aren’t denied medical treatment based on their disability and stereotypes and biases about whether they are fit to live or die.

“People with disabilities must have equal access to life-saving treatment during the COVID-19 pandemic,” said Jennifer Mathis, Director of Policy and Legal Advocacy at the Bazelon Center. “We hope that today’s guidance will assist states and medical providers in collaborating with disability stakeholders in their communities to develop fair, non-discriminatory policies.”

For more information on our guidance and advocacy regarding medical rationing, contact:

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Link to today’s guidance: [http://www.bazelon.org/wp-content/uploads/2020/04/4-3-20-Guidance-to-States-Hospitals\\_FINAL.pdf](http://www.bazelon.org/wp-content/uploads/2020/04/4-3-20-Guidance-to-States-Hospitals_FINAL.pdf)