

VIA EMAIL TO: [nicole.alexanderscott@health.ri.gov](mailto:nicole.alexanderscott@health.ri.gov)

April 14, 2020

Director Nicole Alexander-Scott, MD, MPH  
Rhode Island Department of Health  
3 Capitol Hill  
Providence, RI 02908

RE: Hospital Visitation Policies for Individuals with Disabilities

Dear Director Alexander-Scott:

I write on behalf of Disability Rights Rhode Island (DRRI), the federally mandated designated Protection and Advocacy (P&A) agency for Rhode Island.<sup>1</sup> As the P&A, we are concerned about those Rhode Islanders with disabilities who may need assistance to access hospital services during the COVID-19 crisis. DRRI urges the Department of Health to adopt a statewide policy on hospital visitors for the duration of this crisis that includes exceptions for people with disabilities who may require a support or other assistance during emergency room visits and hospitalizations.

Rhode Island Department of Health regulations guarantee visitation rights during inpatient health care services in a hospital. These regulations permit a person in a health care setting to designate up to five (5) individuals whom the person deems to be considered as an immediate family member (including those whom have no legal relationship to the patient by blood or marriage) to be granted visitation while receiving inpatient care. See, 216-RICR-40-10-4. At the present time, Rhode Island hospitals are developing their own visitor policies, some of which exclude guardians and caregivers of people with disabilities from participation in their care. During this COVID-19 pandemic, it is important to remember that individuals with disabilities retain their rights to be free from discrimination and may need communication and behavioral supports in hospital settings as reasonable accommodations. These rights are guaranteed under federal and state law, including the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act, Section 1557 of the Affordable Care Act (ACA), as well as the Rhode Island Civil Rights of People with Disabilities Act.

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<sup>1</sup> P&A agencies are created pursuant to federal laws designed to protect individuals with mental health, developmental and other disabilities, including the Protection and Advocacy for Individuals with Mental Illness Act (PAIMI) 42 U.S.C. § 10801 et seq., the Developmental Disabilities Assistance and Bill of Rights Act, 42 U.S.C. § 15041 et seq., and the Protection and Advocacy of Individual Rights Act, 29 U.S.C. § 794e.

To assist the Department in addressing the needs of these vulnerable individuals, DRRI reviewed several policies from various states hospitals. We propose that Rhode Island immediately issue a directive stating that hospitals that bar visitors must include an exception for patients for whom a support person has been determined to be essential to the care of the patient, including patients who have altered mental status, communication barriers, or behavioral concerns including those with intellectual and/or developmental disabilities (I/DD) and patients with cognitive impairments including dementia.

We suggest the directive include language to reflect this need, and at least permit the designation of two support people to ease the burden on any one individual support person, while still permitting only one support person to be present at a time. This approach would be consisted with New York's approach. See,

[https://opwdd.ny.gov/system/files/documents/2020/04/doh\\_covid19\\_hospitalvisitation\\_4.10.20.pdf](https://opwdd.ny.gov/system/files/documents/2020/04/doh_covid19_hospitalvisitation_4.10.20.pdf)

We at DRRI want to thank you for the tireless work of the Department of Health, as well as all state agencies during the COVID-19 pandemic. Please do not hesitate to contact me if you have questions regarding this matter or would like additional information including suggested language for the directive.

Sincerely,

/s/ Morna A. Murray

Morna A. Murray, J.D.  
Executive Director

cc: Honorable Gina M. Raimondo, Governor  
Kathryn Power, Director, RI Dept. of Behavioral Healthcare, Developmental Disabilities and Hospitals

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