

Via Email to:

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April 18, 2020

The Honorable Gina M. Raimondo
Office of the Governor
Providence, RI 02903

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

RE: Newly Announced “Crisis Standards of Care”

Dear Governor Raimondo and 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.¹ We are requesting the language of your announced guidance to hospitals regarding “crisis standards of care,” presumably to be utilized in the event of insufficient emergency resources for people hospitalized with COVID-19.

We are deeply concerned about how hospitals will make life-saving decisions, if it comes to that. Yesterday Governor Raimondo stated in her briefing, “[w]e also need to be ready if we get to a place where there’s a shortage of medical equipment or supplies or medicine in the event we are overwhelmed. I want to be clear, I don’t think we’ll get there.”

We appreciate your leadership and share your strong hope that we will not get to a situation where life-saving decisions about who gets treatment and who does not will not have to be made.

However, like everything else in this pandemic crisis, that reality is far from assured, and we cannot rely upon such to protect our most vulnerable individuals, particularly individuals with disabilities. It is our federally-mandated mission to advocate for and protect the legal rights of individuals with disabilities.

¹ 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.

The Office of Civil Rights (OCR) of the U.S. Department of Health and Human Services issued a [directive](#) on March 28, 2020, to medical providers regarding their obligations under the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and the Affordable Care Act. In pertinent part, it provides:

“In light of the Public Health Emergency concerning the coronavirus disease 2019 (COVID-19), the Office for Civil Rights (OCR) at the U.S. Department of Health and Human Services (HHS) is providing this bulletin to ensure that entities covered by civil rights authorities keep in mind their obligations under laws and regulations that prohibit discrimination on the basis of race, color, national origin, disability, age, sex, and exercise of conscience and religion in HHS-funded programs.

In this time of emergency, 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.”

While there are newspaper [accounts](#) that the RI guidance to hospitals cautions against pre-conceived ideas about quality of life, it is not possible to know how it may be applied and/or construed without seeing the actual language.

At this time, I am requesting that your office or the office of Director Alexander-Scott immediately forward us, by return email, a copy of the guidance letter to hospitals.

We at DRRI appreciate the tireless work on behalf of the Governor, both your offices and all state agencies during the COVID-19 pandemic. Please do not hesitate to contact me if you have questions regarding this matter. I am available at your convenience via email, mmurray@drri.org, or cell, 860-538-1007.

Sincerely,

/s/ Morna A. Murray

Morna A. Murray, J.D.
Executive Director

cc: Kathryn Power, Director, RI Dept. of Behavioral Healthcare, Developmental Disabilities and Hospitals

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