



"There's a man with developmental disabilities in our ICU who is in respiratory failure with symptoms of COVID-19. He came from a Developmental Center and doesn't have family members repeatedly asking for testing like our other patients."

-Healthcare Provider

# Mitigating Discrimination on the Basis of Disability in the Healthcare Response to COVID-19

People with disabilities face a higher risk of contracting COVID-19 due to various barriers, including practicing social distancing with reliance on physical contact from support persons, as well as secondary medical conditions that may impact respiratory functioning. Medical providers' and the healthcare systems' responses to the testing for and treatment of COVID-19 must include equitable consideration and inclusion of people with disabilities. **The distribution of testing or treatment, including the allocation of supplies or care, cannot be denied based on disability.**



## Existing Laws & Ethics

The Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act require that healthcare systems and providers ensure that **individuals with disabilities have full and equal access to needed services, including testing for and treatment of COVID-19.**

While providers and staff should avoid injury or infection, reasonable accommodations must be provided to ensure equal access to healthcare. The ethical principal of equity requires the fair distribution of resources, including during times of shortages such as a pandemic.



## Safeguards against discrimination:

- Public health communications must be respectful, accessible, and non-discriminatory.
- Rapid awareness-raising of key medical personnel to ensure people with disabilities are not systematically denied treatment or testing due to disability bias.
- Direct and accessible communication with the individual with a disability about the stage of disease, condition, and anticipated procedures.
- Decisions on allocation of resources, supplies, and care should not be based on inaccurate beliefs that people with disabilities have a low quality of life.

## + Policy and Practice Brief

Center for Dignity in Healthcare for People with Disabilities

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## Resources to Learn More:

1. [Guidelines from the Department of Justice on Access to Medical Care for Individuals with Mobility Impairments](#)
2. Ethical considerations from the [World Health Organization \(WHO\)](#) in developing a public health response to pandemics
3. A Letter to HHS from [National Council on Disability](#) on COVID-19
4. Medical Futility and Disability Bias: A Congressional Report from the [National Council on Disability](#)