

Promoting And Encouraging Independence
For All People with Disabilities



April 6, 2020

The Honorable Gretchen Whitmer
PO Box 30013
Lansing, MI 48909

Dear Governor Whitmer,

On behalf of Disability Network of Mid-Michigan, thank you for your leadership and quick action in addressing the needs of Michigan residents in response to the COVID-19 public health crisis. We appreciate the attention that you have given to disability issues up to this point, including providing ASL interpreters for news conferences, reaching out to the public in multiple ways to accommodate as many as possible, and the openness of leadership to respond to questions and concerns.

In the face of a public health crisis, where projections show the need for intensive medical care for individuals made ill by COVID-19 may exceed the resources of the healthcare system, the inclination of providers may be to take “rationing” measures or rather, make decisions about who should or should not receive care. While COVID-19 poses a serious challenge to the capacity and resources of our healthcare system, we at Disability Network of Mid-Michigan believe that longstanding federal and state nondiscrimination laws, such as the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act, prohibit such rationing measures when they result in the denial of care on the basis of disability. In addition, the federal [Office of Civil Rights recently published a bulletin on civil rights laws and HIPAA flexibilities that apply during the COVID-19 emergency](#).

Due to existing institutional biases, people with disabilities often face challenges connecting to adequate medical care. Now, perhaps more than ever, it is vital that healthcare providers and lawmakers be reminded that people with disabilities have the same right to care and the same right to be free from discrimination as everyone else.

DNMM strongly believes the following to be true and universal:

- 1) Providers cannot deny or limit care to people because of their disability
- 2) Providers cannot deny or limit care based on the fact that a person may have a lower likelihood of survival or require more intensive care
- 3) Providers must not rely on quality of life judgments when deciding whether to deny or limit treatment
- 4) Providers cannot deny or limit treatment to a person with a disability because they may require reasonable accommodations

We absolutely understand this public health crisis has placed considerable strain on our healthcare providers and first responders. We applaud their efforts as they represent the front line of defense against the further spread of the COVID-19 virus. However, when we see leaked memoranda from Henry Ford hospital discussing “care-rationing” and other discriminatory practices, we feel compelled to respond on behalf of the people we serve, their families, and all vulnerable Michigan residents who may be subject to such discrimination.

We thank you and your administration for the many steps you have taken to address this critical issue. All Michigan residents must be able to access healthcare interventions in a timely way. We urge you to issue a directive to all healthcare providers prohibiting discrimination against people with disabilities in offering COVID-19 treatment, so that there is no rationing of care or otherwise treating the lives of people with disabilities, the elderly, and the poor as having lesser value than others, and prohibiting the unnecessary placement of people with disabilities in nursing facilities and other institutions.

We are all in this together. And we all deserve equal access to care should it be needed.

If I can be of assistance with this or any other disability-related matter, please do not hesitate to contact me at 1-800-782-4160. Thank you again for your time and your efforts.

Best regards,

Kelly L. PeLong
Executive Director
Disability Network of Mid-Michigan