April 1st, 2020

Dear Honorable Gov. Whitmer, Director Gordon, Interim Director Engelman, and Mr. Totten,

On Saturday, the Office for Civil Rights in the U.S. Department of Health and Human Services issued a bulletin "on ensuring that covered entities do not unlawfully discriminate against people with disabilities when making decisions about their treatment during the COVID-19 health care emergency." The announcement continued to state that, "persons with disabilities should not be denied medical care on the basis of stereotypes, assessments of quality of life, or judgements about a person's relative "worth" based on the presence or absence of disabilities or age." The bulletin was issued in response to complaints that protocols adopted in Alabama and Washington were discriminatory. You can access the full bulletin here: https://bit.ly/3dzJmCi

This matters to Michigan because we are unclear as to what guidance our health systems will use if and when they ration medical resources and services during this crisis. Further, it is unclear that such guidance will be nondiscriminatory. Last Thursday, a leaked letter from Henry Ford Hospital System outlined protocol for rationing care. The guidance offered, that, “Patients who have the best chance of getting better are our first priority,” provides for conflict with the aforementioned bulletin. And although numerous social characteristics, such as race and gender, are listed as non-reasons for denying care, disability, a protected class, is not. This information was insufficient and scary.

Hospital systems around the country are understandably grappling with how to administer scarce resources. Our intent is the same as our health care practitioners -- to prepare and protect. However, patchwork policies from hospital to hospital offer a disservice to decision making and human dignity. According to the Disability Rights Education & Defense Fund, to remain compliant with the law, health care providers must adhere to the following basic principles: Providers cannot deny or limit care to disabled people because of their disability; Providers cannot deny or limit care based on the fact that a disabled person may have a lower likelihood of survival or require more intensive care; Providers must not rely on quality of life judgments when deciding whether to deny or limit COVID-19 treatment; And providers cannot deny or limit treatment to a person with a disability because they may require reasonable accommodations.

Medical triage forces hard decisions. However, disability activists have fought for decades to secure equal access and civil rights when mainstream America did not think we deserved them. We must not, no matter the crisis, abandon this progress. Therefore, we ask that the Governor’s Office and the Michigan Department of Health and Human Services clarify our state’s policy for rationing care during health care emergencies and publicly confirm that discrimination in regard to health care access will not be tolerated.

Thank you,

Dessa Cosma
Detroit Disability Power
www.detroitdisabilitypower.org

Lisa Franklin
Warriors on Wheels
www.wow4metrodetroit.org

Additional endorsing organizations are listed below.

Allied Media Projects
www.alliedmedia.org

Allies for Change
www.alliesforchange.org

American Citizens for Justice/Asian American Center for Justice
www.americancitizensforjustice.com

Ann Arbor Center for Independent Living
www.annarborcil.org

APIA Vote Michigan
www.apiavotemi.org

Association of Roman Catholic Women Priests
www.arcwp.org

Cara Arts Education & Management

Collective for Disability Justice
www.c4dj.org

Communication Access Center for the Deaf & Hard of Hearing
www.cacdhh.org

Community Development Advocates of Detroit
www.cdad-online.org

COTS
www.cotsdetroit.org

Delphine Alfred Duncan Foundation for the Deaf & Hard of Hearing
www.dadfoundation.org

Deaf Link
www.deaflink.com

Detroit Action
www.detroitaction.org

Detroit Jews for Justice
www.detroitjewsforjustice.org

Detroit Justice Center
www.detroitjustice.org

Detroit People's Platform
www.detroitpeoplesplatform.org

Disability Network Detroit Wayne Co.
Www.dnwayne.org

Down Syndrome Guild of Southeastern Michigan
www.dsgsemi.org

Healing by Choice!
www.healingbychoicedetroit.com

Huron Valley Democratic Socialists of America
www.hvdsa.org

Michigan Deaf Association
www.michdeaf.org

Michigan Deaf Health

Michigan Developmental Disabilities Council

Michigan Disability Rights Coalition
www.copower.org

Michigan Protection & Advocacy Service, Inc.
www.mpas.org

Michigan Registry of Interpreters for the Deaf
www.MIRD.org

Michigan Unitarian Universalist Social Justice Network
www.uujustice.org

Mothering Justice
www.motheringjustice.org

National Federation of the Blind, Michigan
www.nfbmi.org

National Health Law Program
www.healthlaw.org

Rising Voices of Asian American Families
www.risingvoicesaaf.org

St Peters Episcopal Church, Detroit
www.stpetersdetroit.org

Sunrise Movement Detroit

Ann Arbor Commission on Disability Issues
www.a2gov.org/services/disabilities-resources

The ARC Michigan
www.arcmi.org

The Truth & Titus Collective, LLC
www.truthandtitus.com

UCP Michigan
www.ucpmichigan.org

UCP Detroit
www.ucpdetroit.org

United States Pinoys 4 Good Governance

We the People-Michigan
www.wethepeoplemi.org