



ENSURING ETHICAL AND EQUITABLE CARE DECISIONS FOR PATIENTS WITH DISABILITIES WITH COVID-19



Kentucky's COVID-19 cases are currently expected to peak in late April. Kentucky has made great strides in flattening the curve by practicing "Safe Healthy At Home". Since the most effective way to prevent developing COVID-19 is to avoid exposure, it is our hope that Kentucky residents continue to honor their responsibility to keep themselves and others safe during this pandemic.

Unfortunately, our hospitals are already battling shortages of Personal Protective Equipment. We anticipate that at the peak of COVID-19 infections, our hospitals will also experience a shortage of ventilators and Intensive Care Unit beds. If we cannot eliminate that shortage through reducing the need or increasing supply, our physicians and healthcare teams will be forced to make decisions regarding who receives life-saving care and who does not.

Federal law prohibits discrimination in the determinations of who receives life-saving care and treatment.¹ As the state disability rights agency, Kentucky Protection & Advocacy is calling on our Governor to provide guidance and support to our front-line physicians and healthcare professionals who will make these heart-wrenching decisions. This support is necessary to ensure that physicians and medical professionals make difficult, but medically necessary care decisions based on an individualized assessment of the patient based on the best available objective medical evidence.

P&A also emphasizes the steps you can take to ensure you or your loved one receive non-discriminatory care for COVID-19.

1. Stay Safe – Practice Social Distancing. Prevention is better than cure!
2. Self-Quarantine if you believe you have been exposed to or are experiencing symptoms of COVID-19.
3. If you have a question about COVID-19, call your physician or the Hotline at 800-722-5725.
4. Know before you go! Call your hospital and ask if they have a policy on rationing care. (As noted above, we are requesting that the Governor issue guidance on non-discriminatory allocation of medical equipment, particularly ventilators).
5. Talk to your medical care provider. Ask if s/he has individualized recommendations for your care.
6. Pre-plan what hospital you want to use for care of COVID-19 and how you plan to get there.
7. Prepare a folder with a current list of medications, other pertinent medical information, and needed accommodations to take with you to the hospital.
8. If you are denied care or treatment, ask for a review by the hospital's Ethics Team and written documentation of the decision.
9. Know your rights! Call P&A to understand your rights regarding non-discriminatory care decisions during the COVID-19 pandemic and report any discriminatory decisions to P&A.

¹ OCR Bulletin: Civil Rights, HIPAA, and the Coronavirus Disease 2019 (COVID-19). <https://www.hhs.gov/sites/default/files/ocr-bulletin-3-28-20.pdf>