

# Disability Rights Nebraska

Protection and Advocacy for People with Disabilities

April 8, 2020  
By Electronic Mail

Re: Follow-up to letter of March 27, 2019

Dear Governor Ricketts:

We the undersigned write with great concern about the need for clear guidelines to protect people with disabilities during the current COVID-19 crisis.

On March 27, 2020, Disability Rights Nebraska wrote to you with a request for binding statewide guidance to ensure that all Nebraskans, including those with psychiatric, developmental, intellectual and physical conditions, are treated fairly without inappropriate rationing of medical care if they contract COVID-19.<sup>1</sup>

All across the country, we are seeing discriminatory proposals to deny ventilator access or other needed medical care for people with a variety of health conditions that deliberately or inadvertently leave out people with disabilities. Nebraska has never created crisis standards of care, which means in this emergency, each hospital or facility can set their own standards. This is not tenable.

We urgently request you to protect all Nebraskans' right to access medically necessary services by issuing nondiscriminatory statewide guidance to educate all public and private entities. Further, we ask you to affirm the same principles announced by the Office of Civil Rights in their recent guidance to educate all involved that even in this emergency, the delivery of life-saving medical interventions must make treatment decisions consistent with the non-discrimination requirements of the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act, and Section 1557 of the Affordable Care Act.<sup>2</sup>

Nebraskans with disabilities and their families and friends are all too familiar with discrimination and wrongful assumptions about their quality of life. The hospitals and medical providers on the front lines of thousands of individual treatment decisions need clear and binding guidance from the state. The guiding principles outlined by national experts can be adopted in Nebraska.<sup>3</sup>

We urge you to bring together a virtual listening session to benefit from the expertise of the undersigned. We await information how the state intends to address the disability community's concerns regarding discriminatory rationing of care. Thank you in advance

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<sup>1</sup> <https://www.disabilityrightsnebraska.org/resources/covid19-updatesandresources.html>

<sup>2</sup> <https://www.hhs.gov/sites/default/files/ocr-bulletin-3-28-20.pdf>

<sup>3</sup> [https://www.centerforpublicrep.org/wp-content/uploads/2020/04/Guidance-to-States-Hospitals\\_FINAL.pdf](https://www.centerforpublicrep.org/wp-content/uploads/2020/04/Guidance-to-States-Hospitals_FINAL.pdf)

for your consideration of this most important issue, and for your long-standing commitment to Nebraska's citizens with disabilities.

Sincerely,

Eric Evans, Ph.D.  
CEO, Disability Rights Nebraska

Edison McDonald  
Executive Director, The Arc of Nebraska

Kristen Larsen  
Executive Director, Nebraska Developmental Disabilities Council

Wayne Stuebbing, Ph.D.  
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Danielle Conrad, J.D.  
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Executive Director, Ollie Webb Center, Inc.

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Kathy Hoell, MPA  
Executive Director, Nebraska Statewide Independent Living Council

Denise Gehringer  
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President, People First of Nebraska, Inc.

