



You Have a Right to Receive Medical Care During COVID-19

You have a right to be free from Discrimination:

- The law protects people with disabilities from discrimination. This does not change during the Covid-19 emergency.
- Even during an emergency, you have the right to receive **equal access** to healthcare, regardless of your disability.

Treatment decisions must be based on whether you can benefit from the medical treatment:

- During the Covid-19 emergency, there may be shortages of life-saving equipment, like ventilators to help you breathe. Healthcare providers **must** make treatment decisions based on whether you can benefit from treatment based solely on objective medical evidence.
- Healthcare providers must not assume that you may have a lesser chance of surviving Covid-19 because of your disability. However, healthcare providers may consider a patient's short-term probability of surviving Covid-19 in determining medical treatment but cannot consider long-term survival rates based on existing disabilities.

Medical care cannot be denied, limited, or delayed because you are a person with a disability:

- Having a disability cannot be a basis for denying, limiting, or delaying medical treatment.
- Healthcare providers cannot consider your disability when deciding how to distribute medical equipment.
- You cannot be made to wait at the end of the line for medical care because you are a person with a disability.

People with disabilities may need reasonable modifications or accommodations in receiving medical treatment:

- Healthcare providers cannot consider whether your disability will require more resources when recommending medical treatment.
- Healthcare providers must allow accommodations for patients who need assistance from a family member or service provider to help communicate their medical needs or to help them during their hospitalization.
- Healthcare providers cannot deny or limit treatment because a patient with a disability may require additional supports (e.g. using a wheelchair, a communication device, or an interpreter).
- Healthcare providers must make reasonable modifications to policies & procedures to allow patients with disabilities and equal opportunity to benefit from treatment.

Remember, the law protects you from discrimination:

- The law does not allow medical providers to treat a person worse because they are a person with a disability.¹
- The Federal Government has reminded health care providers that civil rights laws prohibit discrimination based on disability.
- Colorado has developed a Crisis Standards of Care Plan outlining guidelines for how the medical community should allocate scarce resources such as ventilators and intensive care unit beds, if the need arises.²
- People with disabilities must not be denied care based on stereotypes or assumptions about their quality of life. During medical emergencies, as always, people with disabilities have the same worth as everyone else.

Disability Law Colorado is here to help. Contact us if you:

- Have questions about your legal rights during the Covid-19 emergency.
- Believe you are experiencing disability-related discrimination due to Covid-19.
- Are having difficulty receiving accessible information about Covid-19

***** Disability Law Colorado distributes this material for informational purposes only. It does not constitute legal advice. For further assistance, we suggest you contact the phone numbers/internet sites referred to in this publication or seek the counsel of an attorney for your specific issue. *****

¹ Equal rights to access to medical care, including the right to reasonable accommodations, is guaranteed to people with disabilities under both the Americans with Disabilities Act, 42 USC § 12101, et seq., and Section 504 of the Rehabilitation Act, 29 USC § 794.

² <https://drive.google.com/file/d/1Y1zONsObzYbA2ij1PzyNDjjFCC24-CjH/view>. These standards can only be enacted by the Chief Medical Officer of the Colorado Department of Health Care Policy & Financing.