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## **YOUR RIGHT TO RECEIVE HOSPITAL CARE DURING THE COVID-19 EMERGENCY**

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### **You have the 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 the patient can benefit from the medical treatment.**

- During the emergency, there may be shortages of life-saving equipment, like ventilators to help you breathe. Healthcare providers must make treatment decisions based on whether a patient can benefit from treatment based on medical evidence.
- Healthcare providers must not assume that a patient with a disability has a lesser chance of surviving COVID-19 because of their disability. Healthcare providers may consider a patient's probability of surviving COVID-19 to determine medical treatment.
- Healthcare providers may not consider a patient's probability of surviving conditions relating to other disabilities when treating patients for COVID-19.

### **Medical care cannot be denied, limited, or delayed because of an individual's disability.**

- Having a disability cannot be a basis for denying, limiting, or delaying medical treatment.
- Healthcare providers cannot consider a patient's disability when deciding how to distribute medical equipment.

#### **CONTACT US**

Voice: 518-432-7861

TTY: 518-512-3448

Toll Free: 1-800-993-8982



#### **ALBANY**

725 Broadway, Suite 450  
Albany, NY 12207-5001

#### **BROOKLYN**

25 Chapel St, Suite 1005  
Brooklyn, NY 11201

#### **ROCHESTER**

44 Exchange Blvd, Suite 110  
Rochester, NY 14614

- Patients with a disability cannot be made to wait at the end of the line for medical care because they have a disability.

### **People with disabilities may need reasonable modifications or accommodations in receiving medical treatment.**

- Healthcare providers cannot consider whether a patient's disability will require more resources when recommending medical treatment.
- Healthcare providers should allow accommodations to be given to 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 support (for example, using a wheelchair or communication device).
- Healthcare providers must make reasonable modifications to policies & procedures to allow patients with disabilities an equal opportunity to benefit from treatment.

### **Remember, the law protects you from discrimination.**

- The law does not allow medical providers to treat a person differently because of their disability.<sup>1</sup>
- The Federal Government has reminded health care providers that civil rights laws prohibit discrimination based on disability.
- The New York State Department of Health's current ventilator allocation guidelines tell healthcare providers to consider a patient's likelihood of surviving COVID-19, not their likelihood of surviving other conditions in the long-term.
- 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.

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<sup>1</sup> 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.

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**DRNY is here to help. Contact us if you:**

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

**Depending on the facts of your situation, Disability Rights New York may be able to assist you with your issue. Please call Toll free: 1-800-993-8982, Voice: 518-432-7861, or TTY: 518-512-3448 if you think you need our assistance.**

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