

NEWS RELEASE

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Disability Rights Connecticut Says Connecticut's New COVID Vaccine Policy is Unlawful and Discriminatory; Complaint Filed with U.S. Office for Civil Rights Seeks Immediate Federal Investigation, Policy Revisions

Disability Rights Connecticut (DRCT) has filed a formal complaint with the U.S. Office for Civil Rights (OCR) at the U.S. Department of Health and Human Services, calling on the agency to "immediately investigate and issue findings on an expedited basis" that Connecticut's new age-based policy for vaccinating state residents "constitutes disability discrimination in violation of federal law."

The action calls on OCR to "direct Connecticut to immediately revise its COVID-19 vaccine policy to include individuals with underlying medical conditions, regardless of their age, who are at increased risk of COVID-19 infection...as a priority in receiving the COVID-19 vaccine." DRCT is also urging OCR to "advise the State of Connecticut that it must have a process for people with disabilities to request and obtain reasonable modifications" to the state's age-based vaccine eligibility policy.

The new state policy, announced on Monday, February 22 and effective immediately, makes no provision for people with pre-existing conditions, including people with disabilities with underlying medical conditions. There is no process for qualified individuals with disabilities to request, or receive, a reasonable modification to this policy.

This Connecticut policy, according to state officials, differs significantly from guidelines recommended by the Centers for Disease Control and Prevention (CDC) and has been adopted even though it is well-established that people with disabilities are disproportionately negatively impacted by COVID-19 and more likely to contract the virus and experience severe, often life-threatening, and prolonged symptoms.

"Connecticut's new policy has apparently been developed in the belief that it would be easier to administer. But merely because it may be easier does not make it right. And this policy is not only an outlier nationally, it blatantly disregards CDC policy guidelines, the Americans with Disabilities Act, and the rights of individuals with disabilities," said Deborah Dorfman, Executive Director of Disability Rights Connecticut.

In announcing the new state vaccination eligibility timetable earlier this week, Gov. Lamont said state officials determined, after talking with healthcare professionals, that the state plan that had been in place was "really complicated," adding that "we think age is probably the easiest way." Acting Commissioner of Public Health Deidre Gifford said "we're focusing on speed and simplicity."

Under the new Connecticut eligibility schedule announced this week, individuals age 55-64 will become eligible to sign up for a vaccine beginning on March 1, along with teachers, school staff and child care providers. The state has estimated that 650,000 individuals will be eligible in that cohort. Individuals age 45 to 54 would become eligible on March 22, individuals age 35 to 44 would become eligible on April 12, and individuals age 16 to 34 would be eligible on May 3. State officials have estimated that a total of 400,000 individuals are in each of the 45 to 54 and 35 to 44 age cohorts.

"The state has now put more than 1 million people ahead of individuals in their 20's or early 30's, for example, who have a disability that would have made them eligible to receive a vaccination just days

from now,” Dorfman added. “These are individuals who were previously told they would be eligible to receive a vaccine as soon as next week. Now it will be May at the earliest, and quite possibly considerably longer, before individuals deemed at greater risk by virtue of their disability, will even be able to try to make an appointment for a vaccine.”

This is not the first time during the COVID-19 public health crisis that DRCT has sought intervention by OCR – or that the State of Connecticut has opted not to protect the rights of individuals at greater risk.

In a significant victory last year for people with disabilities, to ensure equal access to medical care and proper treatment during the COVID-19 pandemic, a discrimination complaint filed by DRCT and a coalition of state and national advocacy organizations resulted in the State of Connecticut agreeing to end discriminatory practices that jeopardized equal care and treatment. Under an agreement forged by OCR, the state Department of Public Health issued a new statewide policy superseding the existing discriminatory guidance that prevented most people with disabilities who were hospitalized from having a support person with them.

More recently, DRCT, along with dozens of advocacy organizations in Connecticut representing individuals with disabilities and individuals who are members of the Black, Brown, Indigenous, and Asian communities, have for nearly a year urged DPH to promulgate uniform guidelines to state hospitals to prevent discriminatory practices should the rationing of care become necessary during the COVID-19 pandemic. Due to the Department’s prolonged refusal to act, despite repeated requests and in light of unfulfilled promises by DPH since last March, the state legislature is now considering legislation to require the issuance of such guidelines.

“Time and time again, the State and the Department of Public Health have stubbornly refused to protect the rights of individuals with disabilities and other constituencies during this public health crisis,” Dorfman said. “The abrupt change in vaccine eligibility policy announced this week is the latest disturbing example.”

The DRCT complaint was filed with OCR on February 24, 2021.

Disability Rights Connecticut, a statewide non-profit organization, advocates for the human, civil, and legal rights of people with disabilities in Connecticut. DRCT is the Protection & Advocacy System for Connecticut, having replaced the state Office of Protection & Advocacy for Persons with Disabilities in 2017. DRCT (www.disrightsct.org) has been a leading advocate throughout the coronavirus pandemic, as have Protection & Advocacy Systems nationwide.

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