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Disability Rights Complaint Resolution Announced In CT

The new order came in response to complaints made that some people with disabilities were denied access, following the coronavirus outbreak

By Rich Kirby, Patch Staff

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Reply



The CT Department of Public Health issued an executive order on Tuesday meant to ensure that people with disabilities are not denied reasonable access to needed support persons. (Shutterstock)

CONNECTICUT — The state Department of Public Health issued an executive order on Tuesday meant to ensure that people with disabilities are not denied reasonable access to needed support

persons.

The order came in response to complaints made to the Office for Civil Rights at the U.S. Department of Health and Human Services. Following the issuing of the order, the OCR announced it has reached an Early Case Resolution with the state.

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OCR also reached an ECR with Hartford HealthCare Corporation after it agreed to grant a 73-year old woman with aphasia access to support persons to help with her communication and comprehension in her treatment.

In May 2020, OCR received complaints from Disability Rights Connecticut, CommunicationFIRST, the Arc of Connecticut, and Independence Northwest: Center for Independent Living of Northwest CT alleging that Connecticut guidance regarding hospital visitation for people with disabilities violates the Americans with Disabilities Act, Section 504 of the Rehabilitation Act and Section 1557 of the Affordable Care Act, which are enforced by OCR.

The complainants alleged that Connecticut guidance concerning hospital "no visitor" policies during the COVID-19 pandemic allowed only narrow exceptions for support persons for individuals with disabilities receiving certain services from the state Department of Developmental Services, leaving large groups of persons with disabilities unable to avail themselves of the exception. The complainants alleged that without support persons, specific patients with disabilities in Connecticut facilities were being denied equal access to medical treatment, effective communication, the ability to make informed decisions and provide consent, and that they were being unnecessarily subjected to physical and pharmacological restraints.

The [executive order](#) makes clear that a "designated support person" a family member, personal care assistant, similar disability service provider, or other individual knowledgeable about the management of their care, to physically or emotionally assist them or to ensure effective communication during their stay in such a facility, provided proper precautions are taken to contain the spread of infection.

Complainants also alleged that Hartford Hospital, a 937-bed facility in the state, unlawfully failed to provide a reasonable modification to the hospital's no-visitor policy to a 73-year-old patient with aphasia and severe short-term memory loss, who is mostly non-verbal, and was denied in-person access to support persons able to help with her communication and comprehension during care. The patient did not fall under the exception to no-visitor policies under Connecticut's guidance because she did not receive services from the state DDS.

OCR has reviewed the complaints, communicated with, and provided assistance to Connecticut, the Connecticut Department of Public Health, and Hartford HealthCare Corporation, and mediated a resolution of the matters acceptable to all parties, according to a news release.

As part of the resolution, Connecticut is issuing an executive order to ensure that people with disabilities have reasonable access to support personnel in hospital settings in a manner that is consistent with disability rights laws and the health and safety of patients, health care providers, and support persons. The order includes establishing a statewide policy requiring hospitals and other acute care settings to permit the entrance of a designated support person for a patient with a disability and permitting family members, service-providers or other individuals knowledgeable

about the needs of the person with a disability to serve as a designated support person. Where patients with a disability are in such a setting for longer than one day, they may designate two support persons, provided only one is present at a time.

OCR mediated an agreement between Hartford Hospital and the complainants that granted the 73-year-old patient access to a designated in-person support person. Based on Hartford Hospital's responsive actions, OCR is closing this complaint as satisfactorily resolved, according to the news release.

"We cannot commend Connecticut enough for quickly updating its policies to protect the right of persons with disabilities to equal treatment especially during a crisis," said Roger Severino, director of OCR. "This resolution proves that states can keep people safe during this pandemic without sacrificing the right of persons with disabilities to the support they need to receive equal access to medical care and treatment," Severino said.

Connecticut submitted the following statement to OCR for inclusion in this announcement:

"As vulnerable populations around the state continue to be disproportionately affected by the COVID-19 pandemic, it was a priority for my office and the state to come to a resolution on allowing a support person to accompany and advocate for individuals with disabilities into our hospitals," Gov. Ned Lamont said. "The order issued by Commissioner Gifford implements vital safeguards for individuals with special needs to ensure proper and safe care is being provided and received in a hospital setting."

"I am pleased to have worked with the Governor's Office, the Department of Public Health, and the HHS Office for Civil Rights to issue the DPH order that protects the rights of individuals with disabilities and facilitates a process to allow every voice, even in a hospital setting, to be heard," said Jordan A. Scheff, commissioner of the Department of Developmental Services.

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