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Disabled Allowed Support Visitors in Connecticut Hospitals (1)

By Valerie Bauman

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- Disability advocates had filed complaint over access to support
 - Executive order provides exception to Covid-19 visitor ban for disabled
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Connecticut will allow disabled people in short-term hospitals, outpatient clinics, and outpatient surgical facilities to have support visitors, resolving a complaint before the Office for Civil Rights at the Department of Health and Human Services.

State officials had previously issued an executive order barring any visitors in those facilities due to the Covid-19 pandemic—a move that drew complaints from disability rights advocates.

OCR officials announced the resolution Tuesday, which put an end to a complaint filed in May by Disability Rights Connecticut, CommunicationFIRST, the Arc of Connecticut, Independence Northwest: Center for Independent Living of Northwest CT, the Center for Public Representation, and the Arc of the USA.

The groups alleged that Connecticut's bar on hospital visitation for people with disabilities violated the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and Section 1557 of the Affordable Care Act, which are enforced by OCR.

Resolution

As part of the resolution, Connecticut is issuing a new 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, OCR officials said.

The order establishes 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. The order allows family members, service providers, or other individuals knowledgeable about the needs of the person with a disability to serve as that designated person.

In cases where those patients are in such health settings for longer than a day, they are allowed two rotating support persons.

"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," OCR Director Roger Severino said in a statement.

"Our civil rights laws are not suspended by an emergency. How we treat our most vulnerable people is a reflection of our national character," Severino said during a call with reporters.

Exceptions Sought

Disability advocates had sought broader exceptions to the ban for people with disabilities who are receiving certain services from the state Department of Developmental Services.

Without proper support, patients with disabilities were being denied equal access to medical treatment, effective communication, and the ability to make informed decisions and provide consent, disability advocates said.

In addition, some disabled people were being unnecessarily subjected to physical and pharmacological restraints, they said.

OCR also resolved a complaint with Hartford Hospital after it agreed to grant a 73-year-old woman with aphasia access to support persons to help with communication and comprehension in her treatment.

Aphasia is a condition in which people lose the ability to understand or express speech, often caused by brain damage.

The woman's daughter, Susan Fandacone, said on the call that the multi-week ordeal was traumatic for her mother and the entire family. During the woman's stay in the hospital she was restrained and sedated after she fought back during medical procedures she didn't understand.

"Emotionally, she has a lot of healing to do," Fandacone said.

The disability advocates say Hartford Hospital broke the law when it failed to provide an exception to its no visitor's policy for the woman, who was dealing with severe short-term memory loss and is mostly non-verbal.

While the woman didn't receive services from the state Department of Developmental Services, she relies on support people who help her with communication and comprehending what is happening with her care.

"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," Connecticut Gov. Ned Lamont said.

(Updated to add quote from Severino in ninth paragraph, comment from Fandacone in the 15th and 16th paragraphs, and to reflect in the 13th paragraph that Hartford Hospital was the entity to reach an agreement with OCR.)

To contact the reporter on this story: Valerie Bauman in Washington at vbauman@bloomberglaw.com

To contact the editors responsible for this story: Fawn Johnson at fjohnson@bloomberglaw.com; Andrew Childers at achilders@bloomberglaw.com

Documents

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