

March 19, 2020

The Honorable Gina M. Raimondo
Governor of Rhode Island
82 Smith Street
Providence, RI 02903

Dear Governor Raimondo:

Thank you and the many state agency and department leaders, and staff, for your timely and critical actions to provide leadership and mobilize state resources to confront the COVID-19 pandemic.

We write to urge you to use your leadership and vision during this crisis to take additional steps to protect the welfare of all Rhode Islanders, but particularly, those with disabilities.

Disability Rights Rhode Island is the federally mandated Protection and Advocacy (P&A) agency for the state of Rhode Island. As you are aware, children and adults with disabilities are among those at the greatest risk in this crisis because so many are in congregate settings or institutions, jails and prisons, or homeless. The vast majority of these individuals may be medically compromised and/or dependent on others for care.

Below, we outline significant steps that we believe are necessary to protect Rhode Islanders with disabilities. Some are disability-specific but others are universal measures – some of which we are cognizant you have already begun, such as moratoria on utility shutoffs, evictions and Medicaid terminations.

We must emphasize though - people with disabilities will be disproportionately affected by any loss of services and benefits during the pandemic, protecting everyone in this crisis is the best public policy. As you have recognized, Rhode Island must ensure that all our citizens have access to a safe living situation, medical care and other resources to weather this crisis.

Planning Considerations

1. Act to ensure swift and comprehensive implementation of the **Families First Coronavirus Response Act** and provide clarification and implementation assistance to all state agencies.
2. Issue a directive to all medical care providers **prohibiting discrimination against people with disabilities** in offering COVID-19 treatment via rationing of care or treating the lives of

people with disabilities, the elderly, and the poor as of less value than others, and prohibiting the unnecessary placement of people with disabilities in nursing facilities and other institutions.

3. **Access to Information.** Many individuals with disabilities require assistance with communications and special consideration in pandemic preparedness planning. Provide **accessible forms of communication to individuals** – such as telephone or text messaging, accessible webpages (large, high-contrast fonts, minimal color, and file formats that can be read by screen readers, and language considerations – for real-time updates of the State’s emergency guidelines and response.
4. Direct local government bodies and your own department heads to **include people with disabilities and disability experts** at all levels of government planning to address the needs of individuals with disabilities in the planning process.
5. Require administrators and service providers of congregate facilities, including hospitals, to have policies and protocols in place for **staffing and continuity of services** to individuals at their facilities or provide for alternative means of care and placement. Where particular services and activities have been suspended due to public health concerns, such as in-person visitation, require such administrators and service providers to ensure reasonable modifications to enable remote alternatives, such as no-cost video and telephone visitation.
6. We appreciate your Executive Order of March 18 requiring insurers to cover telehealth visits for all kinds of medical care, including phone calls. In providing telehealth for patient and resident visits, **ensure equity by providing access to the appropriate equipment and training in the use of telehealth by the patient or participant, in all settings**, including community residential settings.
7. Prioritize the **direct support workforce and people with chronic conditions** for access to COVID-19 testing
8. Assure **immigrants**, whether documented or not, that they may access public services and testing without fear of immigration consequences.
9. Continue to support the deployment of the national guard and military personnel to **expand testing, hospital capacity** by turning empty college dorms and other unused facilities into makeshift hospitals, as may become necessary.

Public Benefit Programs

10. **In-Home Services.** Over 8,000 adults rely on some form of individualized home and community-based services or home care (HCBS). We request that you direct the Secretary of the Executive Office Health and Human Services to:

- a. Ensure that **HCBS recipients have assistance when their care providers are sick or must self-quarantine** by (i) creating emergency registries for back-up services and contracting with nursing agencies to provide back-up home care workers, (ii) allowing recipients to hire replacement providers with expedited background checks (and eliminating background checks for family members), processing documents or verifying citizenship to eliminate any unnecessary delay, (iii) suspending overtime limits so that available home care workers can fill unmet needs;
- b. Ensure that each HCBS recipient has a **current contingency plan** in place regarding their choices for when their services and supports may be interrupted due to COVID-19; and,
- c. If public health and medical resources or volunteers are needed to fill extreme gaps in services to HCBS recipients, **provide immediate training and technical assistance to these personnel on self-directed assistance**, optimizing health, safety, dignity, and independence as imperatives for maintaining the civil rights of people with disabilities and older adults.

11. **Medicaid:** We appreciate and support the efforts of the Secretary of the Executive Office of Health and Human Services to seek federal authority to:

- a. **Halt all terminations and redeterminations** of Medicaid eligibility because continued and expanded access to medical care is critical; and
- b. **Ease provider enrollment and prior authorization processes** to ensure greater access to services, although we do request that any/all relaxation of prior authorizations regarding equipment or services utilized by people with disabilities be included within any requested Medicaid waivers, for example, wheelchairs, which are currently not included in the emergency waiver filed by the state; and,
- c. Ensure **continuity and availability of services for children and adults who receive in-home services.**

12. Direct the Department of Labor and Training to **extend Unemployment and Disability Insurance benefits** for additional weeks and suspend job search requirements;

13. **Department of Behavioral Health, Developmental Disabilities and Hospitals (BHDDH).** We are aware that the Director of BHDDH is taking steps daily to address changing conditions. We urge that the Director:

- a. Alert participants that if in-home supports are not available (because the caregiver is sick or the participant is self-quarantined and the worker is afraid to come), **they will provide and/or fund back-up services** such as respite, childcare, CNAs, family member providers, etc.;
- b. Ensure that residential settings, including RICLAS homes, shared living arrangements (SLAs), and other group home settings, adopt screening and precautions for COVID-19, including

universal access to sanitizer for residents as well as **increased and free video and telephonic visiting** for all facilities that have suspended family visits;

- c. Clarify, and update as needed, **operational and payment protocols for day programs and residential programs** to ensure a minimization of direct support workforce disruption at this critical time, and in planning for the weeks and months to come; and,
- d. Ensure continued access to **interpreter services** for all residents of any group home, residential setting, and/or hospital.

Housing

- 14. Ensure implementation of statewide **moratorium on evictions**, foreclosures and termination of housing subsidies, and a suspension of existing eviction filings and proceedings (including a halt to termination and ejection actions and related writs of execution). We urge you not to limit this moratorium to those whose wages have been affected by the pandemic; our public health requires that no additional people lose housing, whatever the reason.
- 15. Ensure every public utility **suspends all utility service terminations and certain collection activities** as set forth in the Order of the Rhode Island Public Utilities Commission dated March 18, 2020, and also require utilities to restore services to all consumers who currently lack water, electric, gas or other essential services.

Education

- 16. Direct all schools and colleges to ensure that **online learning is accessible** to students with disabilities in accordance with their individualized needs, including using captions, CART, and screen reader accessibility. Ensure that pre-school, elementary and secondary education students with disabilities receiving special education services and supports continue to receive those services in order to ensure their ability to benefit from distance learning programs.

Criminal Justice and Court Operations

- 17. **Reduce detainee populations** by suspending the pre-trial detention of people arrested for non-violent offenses and releasing early all those prisoners scheduled for release within the next 60 days
- 18. Call on the Rhode Island Department of Corrections, the State Police and local police departments to adopt improved **screening and precautions in all correctional facilities** for COVID-19, including universal access to sanitizer for detainees and increased and free video and telephonic visiting for all facilities that have suspended family visits.

19. Direct **the Rhode Island Department of Corrections to release or parole prisoners** and detainees who are over age 60 or have disabilities and others at elevated risk from jail, prison, and juvenile facilities, including by informing them of the means to request parole.
20. Request that **ICE and its local contractors release detainees** at elevated risk from immigration detention facilities.

Thank you again for your continuing leadership, and for considering the additional steps outlined above.

Sincerely,

/s/ Morna A. Murray

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