

Insights

COVID-19 Does Not Discriminate and Neither Should You or Your Facility

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During this Public Health Emergency it is important to remember that the civil rights of patients still must be upheld. The Office for Civil Rights (OCR) at the U.S. Department of Health and Human Services (HHS) recently provided a Bulletin regarding the civil rights laws and their implementing regulations to ensure they are followed during this emergency. The applicable civil rights laws prohibit discrimination on the basis of race, color, national origin, disability, age, sex, and religion in HHS funded programs. Other helpful guidance in this area can be found on the Center for Disease Control's (CDC) website on reducing stigma and on the HHS website on emergency preparedness.

In order to adequately address the needs of individuals that may have been exposed to or infected with COVID-19, government officials, health care providers, and covered entities should consider adopting practices to allow all individuals the ability to access and understand the warnings and direction given to them. Those include, but are not limited to the following:

- Interpreter services to assist both individuals who speak a different language and those who use sign language or are hard of hearing or deaf;
- Making all messaging available in multiple languages and in many formats such as audio, large print, and captioning on both websites and in person;
- Planning for how to handle individuals who have mobility issues or individuals with assistive devices, service animals, or durable medical equipment, how that will impact their treatment during emergencies, and how to avoid separating those individuals from their sources of support;
- Having necessary items in stock so residents or patients can have their own independence such as hearing aid batteries, canes, and walkers;
- Maintaining the privacy and confidentiality of those seeking healthcare or those who may be part of any contact investigation; and
- Having material regarding or making sure to share accurate information regarding the spread of the virus.

Each facility and provider should take these items into account when providing services and treatment for any emergency. If you have any questions on how to ensure your facility or provider is following the applicable HHS guidelines, please contact a member of Krieg Devault's Health Care Group or Employment Law Group.