

**PROPOSED SUBSTITUTE TO RESOLUTION #20-2892
(Cook County Board New Items Agenda, pg. 3 Third Set)**

Sponsored by: ALMA E. ANAYA, Cook County Board of Commissioners

PROPOSED RESOLUTION

IN SUPPORT OF PREVENTING DISABILITY DISCRIMINATION IN HEALTHCARE DURING COVID-19

WHEREAS, on March 28, 2020, the U.S. Department of Health and Human Services Office for Civil Rights in Action issued a bulletin titled “Civil Rights, HIPAA, and the Coronavirus Disease 2019 (COVID-19)”; and

WHEREAS, the bulletin reiterates the prohibition of discrimination on the basis of disability per Section 1557 of the Affordable Care Act and Section 504 of the Rehabilitation Act; and

WHEREAS, the bulletin further states that “persons with disabilities should not be denied medical care on the basis of stereotypes, assessments of quality of life, or judgments about a person’s relative ‘worth’ based on the presence or absence of disabilities or age.”

WHEREAS, the Illinois Department of Public Health (IDPH) issued a Non-Discrimination in Medical Treatment Guidance as it relates to COVID-19, and highlights that it is essential that healthcare institutions operate within an ethical framework and consistent with civil rights laws that prohibit discrimination in the delivery of healthcare; and

WHEREAS, the IDPH guidance urges healthcare providers to consider the following principles: individualized assessments that are not inherently subjective on a person’s underlying disability, reasonable accommodations, effective communication, reduction of racial disparities in healthcare, and financial and language access to healthcare; and

WHEREAS, the IDPH guidance states that “People with disabilities should be permitted to rely on reasonable accommodations that provide meaningful access to information and equal opportunity to benefit from the treatment. These accommodations may include “the presence of an assistant, aide, or family member”; and

WHEREAS, due to COVID-19 being a highly contagious disease, health providers have had to implement certain restrictions and modifications, including visitor restrictions, in order to continue serving patients in the safest way possible; and

WHEREAS, modifications implemented by health providers due to COVID-19 should not dismiss the principles of non-discrimination underscored by the U.S. Department of Health and Human Services and the Illinois Department of Public Health.

NOW, THEREFORE, BE IT RESOLVED, the Cook County Board of Commissioners encourages all health providers based in Cook County, to continue upholding federal and state-level non-discrimination guidance towards patients with disabilities despite the challenges posed by COVID-19; and

BE IT FURTHER RESOLVED THAT, the Cook County Board of Commissioners encourages all health providers in Cook County to integrate non-discrimination guidance as it relates to COVID-19 into training

for medical staff regarding compliance with non-discrimination guidance as well as develop awareness materials for patients.