



PRESS RELEASE

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COVID-19 Particular Threat to Native Americans with Disabilities as IHS Medical Rationing Policies Remain Unclear

Advocates Demand Action

Farmington, NM – The Native American Disability Law Center is asking RADM Michael D. Weahkee, the Principal Deputy Director of the Indian Health Services' (IHS), to ensure that Native Americans with disabilities have equal access to medical care and equipment during the COVID-19 pandemic. The IHS medical rationing policy is not publicly available, and disability advocates are concerned by the lack of response they have received from Indian Health Services on the issue. When there is not enough staff, ventilators, or drugs, hospitals follow their medical rationing policies to determine who gets care and medical services and who does not. If the IHS does not have a policy, then one needs to be developed as soon as possible to ensure that Native Americans with disabilities have equal access to medical care.

Calls and emails to regional and national IHS staff and leadership have gone unanswered, and the situation at IHS hospitals continues to worsen. During an April 8, 2020 webinar call, Navajo Nation officials stated that IHS hospitals on the Navajo Nation are currently at capacity, are experiencing staff shortages, lack Personal Protective Equipment (PPE), and have closed smaller clinics in order to staff hospitals. The COVID-19 pandemic has hit Native American communities particularly hard and fair policies to ensure equal access to medical care are essential.

In this public health emergency, Native Americans with disabilities are especially at risk. Medical care rationing protocols can include 'quality of life' considerations that open the door to negative stereotypes about the lives of people with disabilities that can result in not being equally considered for medical care, like use of a ventilator, that they have a legal right of equal opportunity to. This equal opportunity is required by federal anti-discrimination laws, such as Section 504 of the Rehabilitation Act.

The Law Center's Executive Director, Therese Yanan said:

"Frequently, people with disabilities are viewed as having a lower quality of life, which is not true. All individuals regardless of having a disability or not deserve an opportunity to live full lives. During this time especially that means everyone deserves equal access to medical care. The IHS policies have a significant impact on the 2.5 million Native Americans with disabilities across the country. This request for information is supported by the Disability Law Center of Alaska, the Arizona Center for Disability Law, Disability Law Colorado, Disability Rights New Mexico, the Oklahoma Disability Law Center and the Disability Law Center in Utah; these organizations also serve a high number of Native Americans with disabilities and recognize the importance of these services being provided in a fair and open manner."

Indian Health Services needs to make their medical rationing policies publicly available and fulfill its mandate to provide

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The Protection & Advocacy System for Native Americans with Disabilities.

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services in a non-discriminatory manner with language that safeguards the civil rights of Native Americans with disabilities.

For more information on this issue & the rights of Native Americans with disabilities or the services of the Native American Disability Law Center, please contact Therese Yanan at 505-635-9288.

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