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National Organizations Join Oklahoma Disability Law Center and State Disability Groups to File Disability Discrimination Complaint Challenging Oklahoma’s Medical Rationing Plan

As COVID-19 cases have been increasing across the country, Oklahoma finalized its “Hospital Crisis Standards of Care” Plan. This plan contains protocols for responding to COVID-19, including treatment rationing that will determine who will and will not have access to life-saving treatment. Despite guidance from the U.S. Department of Health and Human Services’ Office for Civil Rights warning states that discriminatory medical rationing policies are illegal, and despite urging from the Oklahoma Disability Law Center (ODLC) to adopt non-discriminatory crisis criteria, the Oklahoma Department of Health released a plan riddled with discriminatory protocols.

The [Oklahoma Hospital Crisis Standards of Care](#) explicitly and implicitly deprioritize people with disabilities for care in violation of the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act (Section 504), and Section 1557 of the Affordable Care Act (ACA). Today ODLIC, joined by the Center for Public Representation (CPR), the Developmental Disabilities Council of Oklahoma (DDCO), the Arc of the United States, the Oklahoma Center for Learning and Leadership, Bazelon Center for Mental Health Law, Progressive Independence, Sam Bagenstos, Oklahoma People First, and the Autistic Self Advocacy Network (ASAN), [filed a complaint](#) with the U.S. Department of Health and Human Services Office for Civil Rights (OCR) about our grave concerns that the plan being put in place discriminates against people with disabilities in violation of federal disability rights laws and places their lives at risk. We call for OCR to take immediate action to address this discrimination and assist Oklahoma to develop non-discriminatory approaches before there are lethal consequences to application of these illegal policies.

"Rationing human life is not only illegal and immoral, it is simply unacceptable. While we recognize that our health care system is under unprecedented pressure, no one should face discrimination in accessing life-saving treatment and care," said Melissa Sublett, Executive Director of ODLIC.

Conner is an example of how Oklahoma’s crisis standards are impacting people with disabilities. Conner is 15-year-old boy who was in a car accident when he was 20 months old that left him with a spinal cord injury at C 1,2, and 3. Due to a high level of spinal cord injury he requires a ventilator to help him breathe 24 hours a day. Conner is at risk of being perceived as someone whose life has diminished value

and might be excluded from life-saving care. Conner’s mother is extremely worried about what will happen to him if he is admitted to a hospital during the COVID-19 crisis, especially given the State’s Crisis Standards. She wants to ensure he will be treated the same as everyone else and that people with disabilities are not denied life-saving treatment.

“Even in the midst of the current crisis, Oklahoma must abide by its obligation to not discriminate against people with disabilities. Lives of Oklahomans with disabilities are at stake. We implore OCR to step in and provide urgently needed guidance to the health care professionals who may be forced by this policy to make decisions that relegate members of our community to die,” said ODLC’s Legal Director, Brian Wilkerson.

ODLC is the organization designated by the State of Oklahoma as the protection and advocacy system pursuant to federal laws. ODLC is charged under these laws with protecting individuals with disabilities against abuse and neglect, with advocating for such individuals to assure protection of their rights, and to pursue legal remedies in furtherance of these rights.

This Complaint follows similar complaints that have been filed by protection and advocacy and other disability advocacy organizations across the country, including Washington, Alabama, Tennessee, Kansas, Utah, New York and Pennsylvania.

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Oklahoma Disability Law Center Inc. is the federally designated legal protection and advocacy agency (P&A) for people with disabilities in Oklahoma. Its mission is to protect, promote and expand the rights of people with disabilities.