



Disability
Rights
Oregon

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Civil rights leaders call for federal intervention in Oregon's discriminatory health care rationing plan

Oregon plan harms people of color, people with disabilities, older adults

Portland, Oregon—Disability Rights Oregon led a [letter](#) from 21 state and national organizations and four Oregon residents denouncing the devastating consequences of Oregon's plan to ration health care during the pandemic. The letter to the Office for Civil Rights at the U.S. Department of Health and Human Services (OCR) cites the negative impact this plan will have on people of color, people with disabilities, immigrants and seniors. The letter asked OCR to find that Oregon's Crisis Care Guidance discriminates against people of color, people with disabilities and seniors in violation of federal law.

"We are scared," said Ross Ryan, a Mt. Angel resident with an intellectual disability who joined the civil rights complaint. "No one should have to worry about whether a doctor will listen to you or treat you when you are really sick just because you have a disability."

"Every week, we see more deaths in Oregon and we know people with disabilities, people of color, immigrants and older adults are being hit the hardest," said Jake Cornett, Executive Director of Disability Rights Oregon. "We've demanded state leaders address problems with Oregon's Crisis Care Guidance to safeguard the civil rights of Oregonians, yet we've seen no response. If Oregon's leaders won't step-up to ensure state policies do not discriminate before the next surge of this pandemic emerges, we'll look for leadership elsewhere. Our families cannot afford to wait."

Reports in Oregon show communities of color are disproportionately impacted by COVID-19. For example, while 13.3 percent of Oregonians are Hispanic, they constitute 29.1 percent of all COVID-19 deaths according to Oregon's May 5 weekly COVID-19 report. The State has failed to report this data for people with disabilities.

"Though Oregon was the first state admitted to the Union with exclusion laws written into its state constitution, and its legacy of racism, xenophobia and disparate treatment of immigrants and minorities is well documented, non-discriminatory access to life saving medical care for Oregon residents must clearly be an unalienable right," said Marcus C. Mundy, Executive Director of the Coalition of Communities of Color. "COVID-19 provides another opportunity for America, and Oregonians, to demonstrate that even in crisis, perhaps especially in crisis, we adhere to our core principles that all life is valuable, and all in America must be treated fairly and equally."

Civil Rights Leaders Demand Changes

The civil rights leaders seek changes to Oregon's Crisis Care Guidance that include the following protections for people with disabilities, people of color and older adults:

- No categorical exclusions. No person will be disqualified from receiving critical care solely on the basis of their disability, race, age, or other protected class.
- A prohibition on coercive Do Not Resuscitate or Do Not Intubate medical orders.
- No reference to specific disabilities as a basis to reduce the likelihood that those individuals would receive critical care.
- No consideration of life expectancy or the availability of resources in the longer term as a basis to deny critical care treatment.
- No one be denied care based on stereotypes, assessments of quality of life or judgments about a person's "worth" based on the presence or absence of disabilities or other factors.
- All rationing decisions must be based on individualized patient assessments by clinicians using the best available objective medical evidence. This means that rationing decisions cannot be based on discriminatory assumptions about a person's disability, medical conditions, race, or age.
- Making modifications to the assessment tools used under the Guidance if a person cannot be accurately and fairly assessed due to a disability.
- Making modifications for people whose disabilities might require a longer period of treatment—for example, on a ventilator—in order to ensure an equal opportunity to benefit from the treatment.

Read the full text of the [letter here](#).

Organizations and Individuals Joining the Civil Rights Complaint

Joining Disability Rights Oregon in this complaint were 14 civil rights and advocacy organization in Oregon representing the interests of people with disabilities, older adults, immigrants and people of color; four Oregon residents who fear discrimination; six national advocacy organizations and the former Principal Deputy Assistant Attorney General in the U.S. Department of Justice Civil Rights Division.

- Oregon Organizations: Disability Rights Oregon; The Arc of Oregon; ACLU of Oregon; Coalition of Communities of Color; Independent Living Resources; Latino Network; Native American Youth and Family Center; Oregon Consumer League; Oregon Council on Developmental Disabilities; Oregon Self Advocacy Coalition; Oregon State Council for Retired Citizens; United Seniors of Oregon, Unite Oregon and Urban League of Portland.
- Oregon Residents who Fear Discrimination: Ryan Ross of Mt. Angel is a person with an intellectual disability; Timothy Roessel of St. John is a person with multiple disabilities who survived COVID-19; Annadiana Johnson of Forest Grove is an older adult with underlying health conditions living in a retirement community and Nicole Charpentier of Portland is a person with cerebral palsy.
- National Organizations: The Arc of the United States; Autistic Self Advocacy Network; Bazelon Center for Mental Health Law; Center for Public Representation; Disability Rights Education & Defense Fund; Justice In Aging and Sam Bagenstos, former Principal Deputy Assistant Attorney General in the U.S. Department of Justice Civil Rights Division.

About Disability Rights Oregon

Disability Rights Oregon upholds the civil rights of people with disabilities to live, work, and engage in the community. The nonprofit works to transform systems, policies, and practices to give more people the opportunity to reach their full potential. For more than 40 years, the organization has served as Oregon's Protection & Advocacy system.

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