



April 1, 2021

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Acting Director, Office for Civil Rights  
U.S. Department of Health & Human Services  
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**Sent via E-mail**

**Re: Request to take Swift Action to Resolve Discriminatory COVID-19 Vaccine Distribution in Connecticut**

Dear Director Frohboese:

The National Disability Rights Network (NDRN) submits this letter to request that the Office for Civil Rights take swift action on the complaint filed by Disability Rights Connecticut (DRCT) against the State of Connecticut and Connecticut Governor Ned Lamont for discrimination in the state's COVID-19 vaccine distribution policies. NDRN, in supporting DRCT's complaint, asks that the Office of Civil Rights find that the state must provide accommodations for persons with disabilities under the Americans with Disabilities Act of 1990, as amended, and Section 504 of the Rehabilitation Act of 1973, as amended, when implementing any vaccine distribution policy, which includes reasonable modifications for persons with disabilities at high risk from the virus regardless of age.

NDRN is the membership association for the 57 Protection and Advocacy (P&A) systems, which includes DRCT. The P&A systems are mandated through federal legislation to advocate for and protect the rights of persons with disabilities. As the membership association for the P&As, NDRN shares the goal to protect the rights of persons with disabilities. The P&A network has been at the forefront of advocating for persons with disabilities since the start of the COVID-19 pandemic. Fourteen P&As filed complaints with the Office for Civil Rights to address discrimination against persons with disabilities in the provision of emergency health care during specific state COVID-19 outbreaks, and several P&As filed complaints related to restrictive pandemic visitation policies. DRCT's need to file the complaint against Connecticut, as well as a recent federal case filed by Disability Rights Maryland on behalf of the Arc to ensure accommodations in the vaccine distribution for persons with intellectual disabilities in the city of Baltimore and five Maryland counties, indicates that discrimination can occur with vaccine roll-out policies and procedures.

As articulated in the DRCT complaint, the State of Connecticut and Governor Lamont created an age based system for distribution which disregarded guidance from the Centers for Disease Control and Prevention (CDC) that individuals with underlying medical conditions be prioritized

to receive a COVID-19 vaccination. The Governor initially refused to provide any modifications to the age based policy, and conceded that the policy contradicts the CDC's recommendations in failing to consider underlying medical conditions. As well documented by the CDC and in the DRCT complaint, persons with certain disabilities are at significantly increased risk of contracting a severe case or dying of COVID-19. Failing to take disability into account in vaccine distribution and relying solely on age shows a striking parallel to medical care rationing policies which failed to account for the impact of such policies on people with disabilities. The Office for Civil Rights has resolved several complaints involving COVID-19 crisis standards of care in which that state recognized the need to make reasonable modifications to policies to prevent discrimination.

Connecticut now plans to make COVID-19 vaccines available to anyone over age 16, and to give priority to people age 16 to 44 with specific medical conditions starting April 1. DRCT, however, has supplemented its complaint to note that only a small portion of CDC conditions are included in the new Connecticut list, and that many of the changes are based on ease of vaccine distribution administration by hospitals. DRCT's supplemented complaint attests to the insufficient responsiveness to people with disabilities, given the wide variety of conditions which can make a person especially vulnerable to severe symptoms of the virus. The DRCT supplemented complaint also highlights that many of these at-risk individuals are unable to travel to a vaccination site and desperately need accommodations to receive the vaccine at home. Furthermore, without a finding of violations of federal law, discrimination in COVID-19 vaccine distribution may likely arise again in the future, such as if there is a need to provide a vaccine booster shots or a revised vaccine formulae to counter virus variants, there remains the possibility that Connecticut and other jurisdictions will develop distributions procedures that fail to make reasonable modifications for persons with disabilities to such policies.

NDRN therefore, requests that the Office for Civil Rights take quick action to resolve the DRCT complaint and find that the State of Connecticut and Governor Lamont violated federal law given the on-going COVID-19 emergency situation, and the need to prevent further discriminatory action against persons with disabilities across the country in the distribution of vaccines.

Thank you for considering this request and please contact me with any questions.

Sincerely,



Curtis L. Decker  
Executive Director