



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

## Department of Health and Social Services

SENIOR AND DISABILITIES SERVICES

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April 24, 2020

The State of Alaska Division of Senior and Disabilities Services continues to closely monitor and assess the COVID-19 pandemic as it evolves.

The Division of Senior and Disabilities Service understands that individuals with disabilities, their family members, and advocates are concerned that medical providers might consider an individual's disability status when determining which patients to treat if hospitals or other health care facilities experience a surge of patients needing life-saving care. This communication reminds health care providers and payers that rationing care based on a person's disability status is unlawful under federal law, as outlined below.

On March 28, 2020, the federal Office for Civil Rights at the U.S. Department of Health and Human Services issued guidance reminding covered entities to "keep in mind their obligations under laws and regulations that prohibit discrimination on the basis of race, color, national origin, disability, age, sex, and exercise of conscience and religion in HHS-funded programs," including Section 1557 of the Affordable Care Act and Section 504 of the Rehabilitation Act. That guidance further emphasized 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. Decisions by covered entities concerning whether an individual is a candidate for treatment should be based on an individualized assessment of the patient based on the best available objective medical evidence."

Our agency urges compliance with governing federal law regarding non-discrimination in access to medical care.

A handwritten signature in blue ink, appearing to read "John Lee".

John Lee, MHA, FACHE  
Director, Division of Senior and Disabilities Services  
Department of Health and Social Services, State of Alaska