

DISABILITY RIGHTS CENTER - NH

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March 18, 2020

The Honorable Christopher Sununu
Governor of New Hampshire
State House
107 North Main Street
Concord, NH 03301

Via Email and Mail

Re: Impact of COVID-19 on People with Disabilities

Dear Governor Sununu,

Thank you for your leadership and quick action in addressing the needs of New Hampshire residents in response to the COVID-19 public health crisis. We are also grateful for the efforts of department leaders and agency staff to address the needs of everyone across the state.

We appreciate the attention that you have given to disability issues up to this point, including providing interpreters for news conferences, reaching out to the public in multiple ways to accommodate as many as possible and the openness of leadership to respond to the questions and concerns of people with disabilities and their advocates..

One fifth of New Hampshire citizens have disabilities. In addition to being more vulnerable to the physical effects of COVID-19, many people with disabilities are dependent on the care and support of other people to live independently, care that often cannot be provided from 6 feet away. People with disabilities are more likely to be low income, lacking the resources that others are using for such things as extra personal care supplies or necessary medications. Although some people with disabilities are living in institutions, many others live in a variety of community-based settings.

We appreciate the steps that you have already taken to protect people with disabilities and other vulnerable populations by banning evictions and utility terminations, actively addressing the needs of students with disabilities who depend on special education and related services, and supporting nursing homes and other institutions as they implement increased safety measures.

Protection and Advocacy System for New Hampshire

I am writing today to urge you to take additional measures to address the critical needs of adults and children with disabilities as outlined below.

Accessibility and Accommodations in All Measures

People with disabilities must be able to access critical information from all state agencies during this crisis. This will require the following:

1. State agencies and private entities providing public services must take steps to accommodate people with disabilities and publicize how people with disabilities can access these accommodations. Appropriate measures may include providing interpreters, accepting calls via TTY, and providing alternative access for people who cannot access the internet.
2. Front line staff must be prepared to respond to accommodations requests from people with disabilities or direct these requests to others able to provide immediate responses.
3. Written communications, including webpages, must be accessible, utilizing large, high-contrast fonts, minimal color, and file formats that can be read by screen readers so that people with disabilities can access the State's emergency guidelines and response.

Home and Community Based Services via the State's Medicaid Waivers and State Plan

The State must continue to take measures to ensure uninterrupted access to critical home- and community-based services for adults and children with disabilities. Recipients must have access to assistance when their care providers are sick or must self-quarantine. Case managers are currently working with recipients to address emergency plans. We urge the State to take the following measures:

1. Allow providers and recipients to hire replacement direct care staff as quickly as possible. Allow for expedited background checks and waive non-critical requirements in order to eliminate any unnecessary delays in filling necessary direct care positions.
2. Suspend overtime limits so that available home care workers can fill unmet needs.
3. If public health and medical resources or volunteers are needed to fill extreme gaps in services, provide immediate training and technical assistance to these personnel on self-directed assistance, optimizing health, safety, dignity, and

independence and otherwise maintaining the civil rights of people with disabilities and older adults.

4. Remove barriers that prevent the approval of respite, personal care services, and childcare, including, for example, caps on respite and prohibitions on paying live-in family members or roommates as respite or personal care providers.

Access to Healthcare

All New Hampshire residents must be able to access healthcare interventions in a timely way. We urge you to:

1. Issue a directive to all medical care providers prohibiting discrimination against people with disabilities in offering COVID-19 treatment so that there is no rationing of care or otherwise treating the lives of people with disabilities, the elderly, and the poor as having lesser value than others, and prohibiting the unnecessary placement of people with disabilities in nursing facilities and other institutions.
2. Halt all terminations and redeterminations of Medicaid eligibility, as continued and expanded access to medical care is essential during this crisis.
3. For prescription medications, relax “refill-too-soon” rules, provide maximum extended day supplies, and ensure home or mail delivery whenever possible.

Education

So that all children are able to continue their education during the suspension of normal public school operations, we recommend that you direct all schools and colleges to ensure that online learning is accessible to students with disabilities, including using captions, CART, and screen reader accessibility.

Crisis Response and Planning

People with disabilities are likely to be disproportionately affected by this public health crisis. Their voices must be included in response planning, so we urge you to:

1. Direct local government bodies and your own department heads to include people with disabilities and disability experts at all levels of government planning so that the needs of people with disabilities are addressed during the planning process.
2. Create a team of senior state agency personnel to maximize communication with vulnerable populations that are at risk during this crisis. The team should be directed to learn about emerging problems, prioritize the most widespread and urgent concerns, and respond to them promptly and in a manner that protects people with disabilities and protects their civil rights and dignity. Particular

attention should be given to the needs of the direct support workforce and people with chronic conditions for access to COVID-19 testing.

Access to Mental Health Supports and Crisis Services

In this time of stress and anxiety for all New Hampshire citizens, particular attention should be given to behavioral health care needs. We recommend that you take the following actions:

1. Expand access to mobile crisis services, ensuring that services remain available 24 hours a day, 7 days a week. The implementation of Senate Bill 14's requirement of children's mobile crisis services throughout the state should proceed without delay.
2. Provide mental health support over the phone as needed by providing funding and support to expand access to Warmline Services and other similar remote mental health supports.

New Hampshire Hospital, County Nursing Homes and other Institutions

The COVID 19 crisis is a public health challenge without precedent, but it is important that the needs of adults and children living in state and county institutions receive continued attention. We recommend that you:

1. Direct that institutions take action to provide and increase access to free video and telephonic visiting for all facilities that have suspended family visits.
2. Take steps to ensure there are no unnecessary interruptions in family therapies for children in the Sununu Center for Youth and other facilities serving children.

Criminal Justice

One of the populations that is particularly vulnerable is persons living in corrections facilities. It has a disproportionate number of persons with mental health, developmental, and physical disabilities. In the state prisons, it has a large and growing number of elderly persons, often with medical conditions that make them especially vulnerable to COVID 19 infection. The close quarters of correctional facilities are particularly dangerous for viral infection. To address the corrections population's needs, we ask you to:

1. Call on prosecutors and the courts to, whenever possible, act to reduce county jail and juvenile facility populations through the reduction of pre-trial detention of people arrested for non-violent offenses, utilization of measures such as administrative home confinement and day reporting programs, and the early release of those scheduled for discharge within the next 60 days.

2. Call on the state and county departments of corrections to adopt improved screening and precautions in all correctional facilities for COVID19, including universal access to sanitizer for detainees and increased video and telephonic visiting for all facilities that have suspended family visits. Corrections facilities and their contractors should be urged to eliminate fees for such communications during the pandemic.
3. Recommend that state and county departments of corrections consider the parole, furlough, or other release of prisoners who are at elevated risk for COVID 19.
4. If restrictions on communications are in place, ensure state and county departments of corrections are providing reasonable accommodations to prisoners with disabilities who may not be able to communicate via telephone.

Thank you again for all that you are doing to address the needs of all New Hampshire citizens, including those with disabilities, throughout this crisis. I and my staff are available for consultation as you address the recommendations in this letter and otherwise address the needs of people with disabilities in the coming weeks and months.

Sincerely,

A handwritten signature in black ink that reads "Stephanie Patrick". The signature is written in a cursive, flowing style.

Stephanie Patrick
Executive Director