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Forward Thinking Healthcare Solutions It's What We Do

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OCR Bulletin, Civil Rights and COVID-19

The Office for Civil Rights (“OCR”) of the U.S. Department of Health and Human Services (“HHS”) has released a bulletin to remind entities covered by civil rights laws and regulations that those laws and regulations remain in effect despite the declaration of a national emergency.

Broadly speaking, federal civil rights laws and regulations prohibit discrimination on the basis of race, color, national origin, disability, age, sex, exercise of conscience, and religion. OCR generally investigates complaints of discrimination occurring in programs or activities that HHS directly operates or to which HHS provides federal financial assistance (e.g., participate in Medicare and or Medicaid).

Roger Severino, OCR Director, recently stated that “HHS is committed to leaving no one behind during an emergency, and this guidance is designed to help health care providers meet that goal[.] Providers should not place persons using wheelchairs or needing accommodations at the end of the line for health services during emergencies.”

OCR recommends that providers, governments, and covered entities implement the following practices during this emergency:

- Employ qualified interpreter services to assist individuals with limited English proficiency and individuals who are deaf or hard of hearing;
- Make emergency messaging available in languages prevalent in the affected area(s) and in multiple formats, such as audio, large print, and captioning. Ensure that websites providing emergency-related information are accessible;
- Make use of multiple outlets and resources for messaging to reach individuals with disabilities, individuals with limited English proficiency, and members of diverse faith communities;
- Consider and plan for the needs of individuals with mobility impairments and individuals with assistive devices or durable medical equipment in providing health care during emergencies; and

- Stock facilities with items that will help people to maintain independence, such as hearing-aid batteries, canes, and walkers.

Taking reasonable steps to provide an equal opportunity for persons to benefit from emergency response, including making reasonable accommodations, will help ensure that emergency response is successful.

Questions or Assistance

If you have any questions regarding appropriate responses to COVID-19, please do not hesitate to contact any member of our Health Law Practice Group listed on page 1.

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