Disability Rights OHIO

We have the legal right of way.

FACT SHEET: Your Rights to Receive Healthcare During and After the COVID-19 Pandemic

Your Right to Freedom from Discrimination

- You have rights under the Americans with Disabilities Act (ADA). This and other laws say that hospitals, doctors, and other healthcare providers can't treat you differently because you have a disability. This is discrimination.

- No one should deny you treatment just because you have a disability. By law, a hospital can't move you to the back of the line for care because you have autism, are blind, or have any other disability.

- A provider can't help others instead of you just because you have a disability and may need more help than others. For example, a doctor can't put another patient on a ventilator instead of you just because you have a disability and may need to use the ventilator for longer.

- You have the right to an "individualized clinical assessment." This means the provider must consider your specific situation and make decisions based on this assessment. They cannot make assumptions about you, your needs, or your quality of life just because you have a disability. For example, a hospital can't decide that your life is unhappy just because you are deaf. They also can't assume you wouldn't benefit from treatment just because you have a disability.

- If you have COVID-19, you have the right to treatment. A hospital can't deny you treatment because they think you won't live as long as a person who doesn't have a disability.

- If you disagree with a healthcare decision, you may be able to challenge– or "appeal" that decision. You should talk with the hospital's patient rights advocate or ethics committee. You should ask for a written copy of the reason they made the decision and any policy used to make that decision.

- A provider can't take your personal medical equipment (like a ventilator) and give it to someone else.

- You may need a reasonable accommodation because of your disability. This will ensure you can get care or treatment just like anyone else. Usually, this means you'd need a change in a policy. For example, a hospital may need to change the way a policy may prevent you from receiving treatment because you have a disability. Or a hospital may need to change how they communicate

with you. For example, if you are deaf, they may need to provide a sign language interpreter to you, or if it's hard for you to read instructions, they may need to provide you with information in pictures.

Your Right to Make Informed Decisions

- You have the right to get all the information you need to make an informed decision about your care. Informed decisions are choices you make when you have all the information you need to make that choice. This information must be given to you in a way that is easy for you to understand.

- You have the right to have other people help you make choices about your care. For example, you can talk to a family member or anyone else you trust.

What You Can Do to Protect Your Rights

If you have questions about your rights or need help, you should contact Disability Rights Ohio's Intake Line at 614-466-7264 or 1-800-282-9181, press option 2, and leave a voicemail. We will call you back.

You may want to tell your healthcare providers (as soon as possible) about:

- Your disability
- If you have a different way of communicating
- Any need for assistance with activities for daily living (ADLs)
- Any accommodations
- Your lifestyle
- Family members or others you want involved in choices about your care
- Family members or others you **do not want** involved in choices about your care

- Your baseline condition (your health before COVID-19)
- Your current healthcare providers
- Your preferred hospital (in case you need to be admitted)
- Healthcare Powers of Attorney (if any)
- Do-Not-Resuscitate Order (if any)
- Living Will (if any)
- Any relevant medical orders and any medicine you take

You always have the rights listed in this fact sheet (and more); the COVID-19 pandemic doesn't take away these rights.