

# Disability Rights Nebraska

Protection and Advocacy for People with Disabilities

## Via Hand Delivery

March 13, 2020

Chief Executive Officer Dannette R. Smith  
Nebraska Department of Health and Human Services  
301 Centennial Mall South  
Lincoln NE 68509

Re: NDHHS Planning and Response to COVID19

Dear CEO Smith:

I am writing in regards to the state plan for COVID19. We appreciate that the Department has worked quickly to provide comprehensive information to the public. My purpose here is to ensure that the information available from and response by the Department fully covers the specific needs of Nebraskans with disabilities, whether they are living independently in the community or in provider-operated facilities.

As you continue to develop and/or adjust statewide plans for responding to a widespread health outbreak, the State's response must take into consideration the requirements under the Americans with Disabilities Act, Section 504 and the Olmstead decision as these apply specifically to the needs of people with disabilities. The current situation raises a number of questions in this regard, for example:

- Are there shelter in place protocols for people with disabilities?
- Do all group homes, institutional facilities, jails, prisons and detention centers have a two week supply of necessary items on site?
- If essential services are disrupted statewide, what support will be offered to individuals with disabilities?
- Are providers in facilities and group homes being trained on how to comply with government guidance while also complying with the ADA, Section 504 and Olmstead?
- Are providers in facilities and group homes being trained on how to identify the symptoms of COVID19 while simultaneously balancing privacy and accommodation needs under the ADA?
- Is there a plan in place for staffing shortages if employees of facilities and group homes become ill? Where will patients go if a facility or home becomes nonoperational?
- Are all residents of facilities, group homes, jails, prisons and detention centers being granted access to Kleenex, handwashing stations, wet wipes, sanitizer?

We are particularly concerned about individuals in seclusion or restraint (including segregation in the corrections setting) having access to hygiene supplies.

- Are all facilities, group homes, jails, prisons and detention centers aware of their ongoing need to provide access to appropriate assistive technology as needed to residents?
- Are all facilities, group homes, jails, prisons and detention centers making information available to the residents about their rights and information on hygiene education?
- Are all facilities, group homes, jails, prisons and detention centers ensuring that staff have identified individuals who are immunocompromised to ensure they are not placed in contact with any individuals with COVID19 exposure?
- Is there a tracking process in place to identify individuals who are institutionalized or medically isolated?

I would also like to suggest for your consideration that, after the current emergency has subsided, we meet with your staff and other relevant stakeholders to have a conversation about long term future planning for any similar health emergency to ensure that the plans and responses comprehensively take into consideration Nebraskans with disabilities. The unexpected and unprecedented nature of this issue will inevitably provide important lessons that will help in crafting new protocols for the future.

Again, we thank you and your staff for their work so far to address this immediate health crisis and look forward to any expanded information you may share with the public to protect Nebraskans with disabilities.

Sincerely,

A handwritten signature in black ink, appearing to read 'Eric A. Evans', with a long horizontal flourish extending to the right.

Eric A. Evans, Ph.D.  
Chief Executive Officer

cc: Major General Daryl Bohac, Nebraska Emergency Management Agency