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President of the United States
1600 Pennsylvania Avenue
Washington, DC 20500

The Honorable Alex Azar
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue
Washington, D.C. 20201

Roger Severino
Director
Office of Civil Rights
U.S. Department of Health and Human Services
200 Independence Avenue
Washington, D.C. 20201

Dear Mr. President,

On behalf of the National Right to Life Committee, we write to express our serious concern with recent reports of planned discrimination on the basis of disability in the allocation of scarce medical resources in response to the recent outbreak of Covid-19. According to a recent report in the Washington Post¹, state governments are now considering putting in place “rationing protocols” that would limit access to ventilators and other scarce medical resources on the basis of disability or age.

Such policies are an affront to human dignity and are also illegal under the Americans with Disabilities Act. We urge the Department to act swiftly to clarify that rationing access to scarce medical resources on the basis of disability or age is not permissible and will be subject to enforcement action if it occurs. In particular, we believe that such guidance should explicitly prohibit allocation procedures that prioritize patients on the basis of anticipated resource-intensity, the presence of an underlying disability, any arbitrary age cut off or subjective assessments of the perceived quality of life of a patient (either prior to or after treatment).

In states that have run test programs in years past aimed at assessing a response to a pandemic, participants have regularly supported treating as many people as possible and indicated a desire for a fair and widely accessible prioritization system.

The National Right to Life Committee works to protect life at all stages. It is our belief that the measures now being discussed are an affront to the values on which our nation was founded. We urge the Department to act swiftly to protect persons with disabilities, seniors, and individuals with chronic conditions from discrimination during this time of national crisis.

We urge you to ensure that our country’s civil rights laws will be followed in the current crisis. Decency and a respect for human dignity demand no less. Please direct any questions to Jennifer Popik, J.D. at 216.235.1080 jpopik@nrlc.org, or David O’Steen Ph.D. at 240.305.3539 dno@nrlc.org.

Defending Life in America Since 1968

Sincerely,

Carol Tobias, President

David N. O'Steen, Ph.D., Executive Director

Darla St. Martin, Co-Executive Director

Anthony J. Lauinger, Executive Vice President

John Wayne Cockfield, UMCC Ret., Vice President for Medical Ethics

Jennifer Popik, J.D. Director of Federal Legislation

ⁱ "Spiking U.S. coronavirus cases could force rationing decisions similar to those made in Italy, China." *Washington Post*, March 15, 2020. <https://www.washingtonpost.com/health/2020/03/15/coronavirus-rationing-us/>