



## FAQ - Emergency Management During Pandemic

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**Question 1: Do these public health declarations depend on the number infected or is it up to the officials?**

**Answer 1:** Public health emergency declarations depend on the magnitude of the emergency. National Public Health emergencies are declared by the Secretary of Health and Human Services (HHS).

**Question 2: I was under the impression that ALL people (disabled and nondisabled) were not allowed in hospitals to protect them from the virus. So, even though it was a violation of the rights of people with disabilities, how could there be any other option?**

**Answer 2:** People with disabilities often need people with them to assist them with communication and/or with daily living assistance. This includes people that are Deaf and Hard of Hearing, people with physical, intellectual disabilities, speech disabilities, autism and psychiatric disabilities/mental health conditions.

The U.S Department of Health and Human Services' Office for Civil Rights reached a resolution with the state of Connecticut in a [first-of-its-kind complaint](#) filed by disability advocates. The complaint alleged that the state's policies related to hospital visitors during the COVID-19 pandemic violated the Americans with Disabilities Act, Section 504 of the Rehabilitation Act and the Affordable Care Act. CILS in CT were complainants.

**Question 3: Is there a test to see if someone has already had the virus?**

**Answer 3:** There are [two types of tests](#), viral tests and antibody tests. The viral tests whether you currently have the disease. The Antibody tests if you have already been exposed or had COVID-19 in the past. However, it is important to know that antibody tests have [reliability issues](#). Additionally, even if you test that you have COVID-19 antibodies, [it does not mean that you have any immunity from COVID-19 in the future](#). Even if you had COVID-19 before, you may still be able to get COVID-19 again.

**Question 4: How are we defining evacuation protocol Personal Protective Equipment (PPE) in terms of mask type?**

**Answer 4:** There are no guidelines about evacuations and PPE, however there are [CDC guidelines](#) on PPE.

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### **Question 5: Isn't it best to shelter-in-place?**

**Answer 5:** Sheltering in place is the best option during COVID-19. However, if a major disaster strikes, sheltering in place may not be the best option- or an option at all. Each disaster and emergency is different. Being informed, aware and prepared for personal risks is imperative.

**Question 6: When I went to pick up a prescription at my pharmacy, there was an un-masked person in line waiting for his medication. Two grocery store workers- within 3 minutes- told the person to leave or wear a mask. The un-masked person said he had a medical condition and cannot wear a mask. He was then told to leave the store and have someone else pick up his medication. Is this a violation of civil rights?**

**Answer 6:** Under the ADA, the store may ask him to leave if he is not wearing a mask. The pharmacy should offer to provide him with curbside services.

However, state guidance permits people with disabilities not to wear masks in public places. [Please visit your state guidance.](#)

Therefore, you may not win an ADA complaint, but may still be allowed to not wear a mask under state policy.

**Question 7: Self Advocates in Leadership members are now seeing people denied entry if they don't have face masks even when they claim they can't wear one due to health reasons. This goes against the Governors order.**

**Answer 7:** Under the ADA, a public place may ask someone to leave if he is not wearing a mask. They must make a modification to policy by offering curbside service, or having someone wait in a vehicle to be called for an appointment.

However, state guidance permits people with disabilities not to wear masks in public places. [Please visit your state's guidance.](#)

Therefore, you may not win an ADA complaint, but may still be allowed not to wear a mask under state policy.



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**Question 8: Can you speak more about Michael Hickson?**

**Answer 8:** Please see The Partnership for Inclusive Disaster Strategies statement on [Michael Hickson](#).

**Question 9: What about voting accessibility during a pandemic and concurrent disasters?**

**Answer 9:** From Jim House - King County Department of Elections has a [document on accessible voting](#).

However, as of yet, there is no plan for people that do not read print to vote by mail-in or drop-boxes. **Advocates should make accessible voting a priority.**

**Question 10: I was denied access to a restaurant because I couldn't buy a face mask - is this a violation of my rights?**

**Answer 10:** No. It is not required, under the ADA, that people with disabilities be exempt from masks in public places. A restaurant, or a different place of business, may ask a person to leave, who is not wearing a mask. However, if the person says they do not wear a mask because of a disability, the business may be required to provide reasonable modifications, such as curb-side or other alternative services.

However, state guidance permits people with disabilities not to wear masks in public places. Please visit your [state guidance](#).

Therefore, you may not win an ADA complaint, but may still be allowed not to wear a mask under state policy.

**Question 11: During shutdown, some drive-thru (for food or medications) don't have walk-up options- nor were drive-thru test sites accessible. Is this a violation of civil rights- and what can we do about it, if it is?**

**Answer 11:** It may be required, as a reasonable modification to policy, to provide curb-side services or "walk-up" services.

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