



Community Resilience Initiative

Module 2

Inclusive Emergency Management During a Pandemic

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Welcome & About Us

Ground Rules

- Maintain confidentiality
- Ask questions
- Have fun!!!



Disclaimer

Material presented does not constitute legal advice and is for informational purposes only. If you are seeking legal advice, please contact a qualified attorney.

Overview of the Modules

Four 90-minute trainings:

- Emergency Management Basics
- **Emergency Management During a Pandemic**
- Continuing IL Work During a Pandemic
- The Hard Truth Staff Need to Know to Prepare



Module 1 Review

- Civil Rights are never suspended during disasters.
- There must be equal access to disaster-related programs and services.
- Major disasters and emergency declarations
- The COVID-19 pandemic is a disaster.





**What questions do you
have from Module 1?**

Today's Goals:

Building your confidence in understanding what CIL's need to know about

- Equal access to concurrent disaster services while maintaining physical distance
 - including notification, evacuation, shelter, housing, transportation, employment, personal assistance, & DME
- Civil rights obligations and protections during the pandemic and concurrent disasters.





Declarations

COVID-19 and Declarations

COVID-19 has three declarations:

1. **Public Health Emergency declaration** by the Secretary of the U.S. Department of Health and Human Services on Jan 30 retroactive to Jan 27.
2. **National Emergency declaration** by the President on March 13 that was retroactive to March 1, 2020.
3. Every state and 4 territories requested and received a **Major Disaster declaration** by the President. Additionally, 32 tribes are working directly with FEMA under the emergency declaration.



What is a Public Health Emergency?

Another declaration! Remember from last week?

- Public Health Emergencies must be declared by the U.S. Secretary of Health and Human Services

COVID-19 was declared a public health emergency on January 31, 2020, by the Secretary of Health and Human Services (HHS)

Blanket waivers can be issued during a public health emergency.



Public Health Emergency

Public health emergency declared by the United States Department of Health and Human Services under:

- Pandemic and All-Hazards Preparedness and Advancing Innovation Act (PAAHPAIA) amends PAHPA
 - Last year, in PAAHPAIA new statute mandates the establishment of an advisory council that still hasn't been appointed / established

Source: <https://www.phe.gov/Preparedness/legal/pahpa/Pages/pahpaia.aspx>



National Emergency

March 13, 2020: President Trump declared - as of March 1st 2020 - a nationwide emergency pursuant to Sec. 501(b) of the Stafford Act.

- All 50 states, the District of Columbia, and 4 territories requested and were granted Major Disaster Declarations
- Additionally, 32 tribes are working directly with FEMA under the emergency declaration





Questions?



**Public Assistance
& Individual Assistance
Available During COVID-19**

FEMA Assistance During COVID-19

Public Assistance

Getting infrastructure assistance that state requested

Individual Assistance

Crisis counseling only



Current FEMA Assistance to Colorado

Public Assistance: Emergency protective measures (Category B), including direct federal assistance for all areas in Colorado.

Individual Assistance: limited to crisis counseling program in all areas in Colorado.



For more information about Colorado Public Assistance during COVID-19:

<https://cdhs.colorado.gov/resources-for-coloradans-in-need-during-covid-19-pandemic>





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Potential Disability Rights Violations During the Pandemic

Civil Rights are Not Suspended During Public Health Emergencies & Disasters

- ADA, including the *Olmstead* Supreme Court Decision
- Rehab Act applies to all recipients and subrecipients of federal funds



Disability Rights During the Pandemic

- Civil rights of disabled people have been continuously violated during the pandemic.
- There is little evidence that they won't continue to be violated.
- The pandemic will remain a key planning and response factor in additional disasters.



Examples of Possible Rights Violations

Hospitals and congregate settings

- Not allowing people with disabilities to have visitors in **hospitals and congregate facilities**
- Denying equally effective communication with medical professionals, health care providers and loved ones
- Rationing/threatening to ration health care and medical devices



Examples of Possible Rights Violations, Cont.

Hospitals and congregate settings

- Failing to provide continuity of home and community services and health maintenance, exacerbating health conditions potentially resulting in hospitalization and/or institutionalization
- Withholding medical treatment
- Medical experimentation
- Waivers of infection and death reporting requirements



Examples of Possible Rights Violations, cont.

Hospitals and congregate settings

- Using waivers in violation of ADA, resulting in denial of the *Olmstead* mandate most integrated setting
- Direct placement in nursing facilities and other congregate facilities
- Waiver of required intake assessments in nursing facilities



Examples of Possible Rights Violations, cont.

Not providing equally effective communication for people with disabilities.

- During alerts, warnings and notifications
- In hospitals
- In provision of telehealth
- At vaccine sites
- At testing sites
- At food distribution sites



Examples of Possible Rights Violations, cont.

Offering services in places that are not physically accessible

- Vaccination sites
- Testing sites
- Food distribution sites
- Health care facilities



Examples of Possible Rights Violations, cont.

Institutionalization: not providing services in the most integrated setting appropriate to the needs of the person





Question for you:

What are other ways that disabled people's rights were, or may have been, violated?



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Civil Rights Obligations During COVID-19 and Other Disasters

Civil Rights Obligations

The civil rights obligations described in the next few slides always apply - not just during the pandemic.

The pandemic has highlighted awareness for the need to protect these rights.



Civil Rights Obligations During the Pandemic

Equal access to vaccination and testing

- **Be aware that:**

- Either on site or remote interpreters are required
- Tactile Interpreters are required for Deafblind people

- **Be prepared to:**

Advocate for on site or remote interpreters



Civil Rights Violations During the Pandemic

Equal access to vaccination and testing (cont.)

Be aware that:

“Drive-through” vaccine and testing sites may not be accessible to people who don’t drive / own cars

Be prepared to:

Advocate for in-home vaccination or vaccination dispersed throughout the community in locations where people can get vaccinated while maintaining social distance



Civil Rights Obligations During the Pandemic

Equal access to vaccination/testing (cont.)

Be aware that:

- Accessible format is required for forms or other written material
- Sites must be physically accessible



Civil Rights Obligations During the Pandemic

Equal access to vaccination/testing (cont.)

Be prepared to

- Advocate for all of these accommodations,
- Get a seat at planning and implementation tables,
- Call on resources to file complaints, and
- If necessary, join lawsuits.



Civil Rights Obligations During the Pandemic

Equal access to healthcare

Be aware that:

- Rationing based on disability is prohibited
- People with disabilities, who have had COVID, have been denied treatment and have received experimental treatment without consent



Civil Rights Obligations During the Pandemic

Equal access to healthcare (cont.)

Be prepared to:

- Advocate against rationing/withholding treatment
- Educate consumers/participants and healthcare providers about rights of people with disabilities



Civil Rights Obligations During the Pandemic

Access to visitors during hospitalization

Be aware that: People with disabilities have been denied visitors

Be prepared to:

- Advocate
 - On an individual basis
 - Seek out resources to file complaints and lawsuits



Civil Rights Obligations During the Pandemic

Institutionalization

Be aware that:

- People with disabilities have their right to services in the most integrated setting appropriate to their needs. (*Olmstead* decision)
- 34% of COVID-19 deaths come from 0.6% of the U.S. population that lives in nursing facilities and assisted living facilities.
- As of December, according to US News & World Report, at least 50% of all COVID-19 deaths in Colorado are from nursing facilities.
 - Disabled Black, indigenous and people of color, as well as multiply-marginalized people with disabilities, are disproportionately represented in this death toll.

Source: https://covidtracking.com/nursing-homes-long-term-care-facilities?fbclid=IwAR3PR9JdOwUM7LpHozY2LfzQgB9YdAACZFi4uCZt6mcTRvI-4hN.JYX_mxON8



Civil Rights Obligations During the Pandemic

Be prepared to Advocate as if lives depend on it.

(Because they do.)

Our next module will offer advocacy strategies.





Question for you:

How has this played out in your community?

Any other questions?



Masks

Masks

Masks in the Deaf/Hard of Hearing Community

- Transparent mask for health care providers and others
- Masks for Deaf and Hard of Hearing people
- No good solution yet



Masks

Alternatives when masks are an access issue

- Scarves or bandanas;
- Curbside services;
- Allowing an individual to wait in a vehicle for an appointment and enter the building when called/texted; or
- Appointments by telephone or video calls.





Questions?



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Continuity of Operations & Personal Planning

Continuity of Operations

Civil rights violations can occur due to lack of planning for **continuity of operations**.



What is Continuity of Operations?

“A Continuity of Operations Plan (COOP) will document how the division or department will perform essential operations during an emergency situation or long-term disruption, which might last from 2 days to several weeks or longer.”



What is Continuity of Operations?

The plan will identify:

- Mission-critical functions,
- Departmental communication methods,
- Alternate personnel,
- Systems and locations.

Each organization needs a COOP to ensure the provider can respond effectively to a variety of situations.



Continuity of Operations

Well planned and executed continuity of operations planning can:

- Prevent nursing facilities and other institutional placement
 - Regardless of the degree of individual or household emergency planning.



Personal Emergency Plans

Should be developed so that people with disabilities can have necessary services and supplies to maintain health, safety, independence and dignity.

Including:

- The interruption of personal assistance services
- The interruption of services that provide equally effective communication



Personal Emergency Plans

Back-up personal assistant services or direct support professionals

- They are sick with COVID-19
- They do not have childcare
- People in their household are sick with COVID-19
- They do not have transportation



Personal Emergency Plans

- Back-up sources for alternate communication to sign language interpreters
 - Interpreters getting sick or not having access
- Health maintenance services and durable / consumable medical equipment
- Transportation
- Food and water
- Not having child care





Questions?



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The Pandemic and Concurrent Disasters

Pandemics Continue During Disasters

Two or more disasters, including pandemics, can happen at the same time.

- These are called **concurrent disasters**.

In the case of another disaster:

- All pandemic precautions must be kept in place to the maximum extent possible.

Must advocate for equal access to disaster-related programs and services while using PPE and while maintaining social distance.



Disasters at the Same Time as Pandemics

All disaster planning must include COVID-19 protective measures



Disaster Response: Pandemic & Concurrent Disasters

- Social distancing needs to be maintained throughout evacuation and sheltering
- Personal protective equipment (PPE) must be provided and used
- Sanitation and infection controls must be maintained
- Equal access to disaster-related programs and services must be provided
- Mandated disability programs must be maintained (special education)



Other Disasters Occur During Pandemics

Disasters that have occurred during the COVID-19 pandemic (concurrent disasters)

- Wildfires
- Earthquakes
- Extreme weather events
- Flooding
- Tornadoes



Other Disasters During COVID-19 Pandemic

Disasters that could occur in Colorado during the pandemic include:

- Wildfires
- Extreme weather
- Severe storms
- Droughts
- Earthquakes



Emergency Management During Pandemics & Concurrent Disasters

The focus during concurrent disasters needs to be equal access to disaster-related program and services.

Role of CIL's and emergency management



How Does Disaster Response Look Different During A Pandemic?

- Social distance during evacuations as much possible
- Shelters not in congregate setting (hotels, motel, dormitory)
- Social distancing at DRC and shelters if congregate shelters must be used
- Everyone who can wears a mask
- Video Relay Interpreting (VRI) used more frequently





Questions?

How Does Disaster Response Look the Same During a Pandemic?

People with disabilities still have the right to equal access to disaster- related programs and services including:

- Equally effective communication in all disaster-related programs and services
 - Interpreters, VRI, print materials in accessible format
- Accessible transportation
- Physical access



Disaster-Related Services

Services Provided during:

- Notification
- Evacuation
- Sheltering
- Recovery





Moving Forward

What Can CIL's Do Now?

Get a seat at the planning table by

- Attending meetings
- Getting on the distribution list
- Sharing resources
- Inviting EM community to your events



What Can CIL's Do Now?

Advocate and plan for:

- Equitable, accessible vaccine distribution
- PPE
- Alternatives to mass care shelter
- Accessible transportation while social distancing



What Can CIL's Do Now?

Advocate and plan for (cont.)

- Diverting from institutionalization (next module)
- Inclusive reopening policies
- Systems and individual advocacy



CIL's During the Pandemic & Concurrent Disasters

What can CIL's do during a pandemic, outbreak resurgence and concurrent disasters?

- Keep supporting Independent Living
- More in module 3
- Monitor for discrimination during re-opening





Reopening

Disability Discrimination May Happen During Reopening

Be on the alert for people with disabilities being:

- Told that they should stay home when others are told it is safe to go out
- Rushed out of stores and other places
- Denied goods and services because they can't wear masks



Disability Discrimination During Reopening (cont.)

Be on the alert for people with disabilities being:

- Required return to work when they have been successfully working at home
- Not being given reasonable accommodation when they return to work
- Denied access to or discouraged from returning to school



Disability Discrimination During Reopening (cont.)

Be on the alert for people with disabilities being:

- Denied access by outdoor restaurant tables blocking path-of-travel on the sidewalk.
- Denied the right to vote





Question for you:

How is reopening going for
people with disabilities in your communities?

Have you noticed discrimination during
reopening?



Questions?



Thank you!

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