



## **Delaware Community Resilience Initiative**

### **Module 2**

# **Inclusive Emergency Management During a Pandemic**

[www.disasterstrategies.org](http://www.disasterstrategies.org)

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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

Six 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
- Vaccine Access
- Mitigating Disability Bias



# 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, and DME
- Civil rights obligations and protections during the pandemic and concurrent disasters.





# Declarations

# COVID-19 Declarations

**COVID-19 has three declarations:**

- 1. Public Health Emergency declaration** was renewed by the U.S. Department of Health and Human Services (HHS) Secretary Becerra on April 21, 2021 through July 20 (90 days) retroactive to Jan 27.
- 2. National Emergency declaration** by the President on March 13 that was was retroactive to March 1, 2020.



# COVID-19 Declarations

## COVID-19 has three declarations:

3. Every state and 4 territories requested and received a **Major Disaster declaration** by the President. Additionally, 94 tribes are working directly with FEMA under the emergency declaration.



# What is a Public Health Emergency?

**A public health emergency is another declaration!**

Remember from last week?

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



# COVID-19 as a Public Health Emergency

**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
  - In 2019, in PAAHPAIA a new statute mandated the establishment of an advisory council. It has just begun the process of recruiting members.





# 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, 94 tribes are working directly with FEMA under the emergency declaration





**Questions?**



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



## Question for you:

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

# FEMA Assistance During COVID-19

## **Public Assistance**

Getting infrastructure assistance that state requested

## **Individual Assistance**

Crisis counseling and recently funeral services



# Current FEMA Assistance to Delaware

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

**Individual Assistance:** limited to crisis counseling program and funeral services in Delaware.



# For more information about Delaware Public Assistance during COVID-19:

[Delaware's COVID-19 Response](#)





# Potential Disability Rights Violations During the Pandemic



# Civil Rights are Not Suspended During Public Health Emergencies and Disasters

- Americans with Disabilities Act (ADA)
- *Olmstead* Supreme Court Decision
- The Rehabilitation 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 addition to concurrent 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 exacerbates health conditions, which potentially results in increased hospitalization and/or institutionalization rates
- Waivers of infection and death reporting requirements
- Withholding medical treatment
- Medical experimentation



# 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



# Examples of Possible Rights Violations, cont.

Offering services in places that are not physically accessible, such as:

- Vaccination sites
- Testing 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







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# **Civil Rights Obligations During COVID-19 and Other Disasters**

**The civil rights obligations always apply -  
not just during the pandemic.**

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



# Equal Access to Vaccination and Testing

- **Be aware that:**
  - Either on site or remote interpreters are required
  - Tactile Interpreters are required for Deaf-blind people
  
- **Be prepared to:**

Advocate for on site or remote interpreters



# Equal Access to Vaccination and Testing

## **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.



# Equal Access to Vaccination and Testing

## Be aware that:

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



# Equal Access to Vaccination and Testing

## 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.



# Equal Access to Healthcare

## Be aware that:

- Rationing based on disability is prohibited
- People with disabilities, who have had COVID-19, have been denied treatment and have received experimental treatment without consent



# Equal Access to Healthcare

## Be prepared to:

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





# Access to Visitors During Hospitalizations

**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



# 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.

Source: [https://covidtracking.com/nursing-homes-long-term-care-facilities?fbclid=IwAR3R9JdOwUM7LpHozY2LfzQgB9YdAACZFj4uCZt6mcTRvI-4hNJYX\\_mxON8](https://covidtracking.com/nursing-homes-long-term-care-facilities?fbclid=IwAR3R9JdOwUM7LpHozY2LfzQgB9YdAACZFj4uCZt6mcTRvI-4hNJYX_mxON8)



# Institutionalization

- As of July 2020, Fewer than 0.7% of Delawareans live in long-term care but as of Wednesday, they account for 8.1% of coronavirus cases and 62.3% of related deaths, a WHYY analysis found.
  - Disabled Black, Brown, Indigenous and People of Color, as well as multiply-marginalized people with disabilities, are disproportionately represented in this death toll.



# 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
- There is now one FDA approved clear mask



# Masks

Alternatives when masks are an access issue and required:

- 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?**



# 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 two 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.

Source: <https://emergency.princeton.edu/how-to-prepare/continuity-of-operations-plans>



# 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 during:

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



# Personal Emergency Plans

Have back-up personal assistant services or direct support professionals at times when:

- 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.



# Pandemics Continue During Disasters

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



# Concurrent Disasters

**All disaster planning must include COVID-19 protective measures**



# Disaster Response: Pandemic and 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



# Disaster Response: Pandemic and Concurrent Disasters

- Equal access to disaster-related programs and services must be provided
- Mandated disability programs must be maintained (special education)





# Other Disasters Occur During Pandemics

Concurrent disasters during the COVID-19 pandemic :

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



# Other Disasters During COVID-19 Pandemic

Concurrent disasters that could occur in Delaware during the pandemic include:

- Heat waves
- Wildfires
- Severe storms
- Droughts
- Earthquakes



# Emergency Management During Pandemics and 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 Disaster Recovery Centers 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 Re-Opening

**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
- Being shamed, harassed, or bullied for wearing a mask



# Disability Discrimination During Re-Opening

**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 Re-Opening

**Be on the alert** for people with disabilities being:

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







## **Question for you:**

How is re-opening going for people with disabilities in your communities?

Have you noticed discrimination during re-opening?



**Questions?**



# Thank you!

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