



February 26, 2021

VIA First Class Mail, Fax, and Email to ccorieri@az.gov

Honorable Douglas Ducey
c/o Christina Corieri, Senior Policy Advisor
1700 W. Washington Ave.
Phoenix, AZ 85007
Fax:

RE: Vaccine Distribution and Communications for People with Disabilities

Dear Governor Ducey:

We would like to start by thanking you and the Arizona Department of Health Services (ADHS) for identifying issues involving equitable vaccine distribution and working to resolve those issues. ADHS' partnership with pharmacies to provide localized access and providing transportation through the Arizona Health Care Cost Containment System (AHCCCS) for those who are unable to get to drive thru vaccine sites will help improve access to the vaccines for some of the most impacted populations. However, despite this progress, we, the leaders of Arizona's disability organizations representing multiple disability communities across the state, are writing to you today to express two main concerns:

1. Arizona Long Term Care System (ALTCS) members who live in the community and their family caregivers are still not prioritized and lack access to the COVID-19 vaccine. There are less than 60,000 ALTCS members who have yet to be vaccinated; 30,000 of these members are DDD members.
2. There have been consistent failures by the ADHS to ensure accessibility of its COVID operations to people with disabilities since the inception of the virus.¹

¹ Due to the rapidly evolving nature of these issues, additional concerns regarding COVID-19 vaccination issues may be addressed by separate correspondence or discussion.

5025 East Washington Street, Suite 202
Phoenix, Arizona 85034-7437
(602) 274-6287 (Voice) – (602) 274-6779 (Fax)

177 North Church Avenue, Suite 800
Tucson, Arizona 85701-1119
(520) 327-9547 (Voice) – (520) 884-0992 (Fax)

www.azdisabilitylaw.org

Follow us on:  Facebook  Twitter  YouTube

Prioritizing ALTCS Members and Caregivers to Ensure Equitable Vaccine Distribution

There is significant research to show that members within our ALTCS community are at higher risk for acquiring the coronavirus, at higher risk of death, and experience increased disability due to the virus (See [FAIR Health white paper on disability impacts, latest mortality research and intellectual disabilities, impacts on Down syndrome \(DS\)](#), and [CDC statement on DS](#)). Prioritization exists for some ALTCS members living in licensed residential settings, however there is no prioritization for ALTCS members who live in the community outside these settings. Ironically, many ALTCS members under the age of 65 would have already been vaccinated in Arizona had they chosen to live in a state-licensed facility, rather than in their own or their families' homes. Other states have rectified this disparity, including California, Iowa, Illinois, Maryland, Missouri, Ohio, and Wyoming. These states have prioritized people with intellectual and developmental disabilities (IDD) and certain other members of the disability community, regardless of where they live, as higher risk populations, allowing them to get vaccinated. Arizona needs to do the same.

In addition, the American Association of Pediatrics [recommends](#) that families/caregivers of children who receive home health care services be considered health care personnel and be eligible for priority vaccination. While some of our families have registered to be paid attendants to both children and adults in need of attendant care, many more have not. We urge you to prioritize these family caregivers of ALTCS members for vaccination under Phase 1b as well. For vaccination purposes, identification of this population can be accomplished through the ALTCS system.

Finally, ADHS must provide guidance to local health departments on vaccinating those who are homebound to ensure equitable distribution.

Identifying Strategies to Ensure Reasonable Accommodations and Effective Communication

Further, the disability community has continued to experience significant barriers to receiving accommodations needed to obtain critical information about COVID-related issues. Specifically, access to effective communication and reasonable accommodations under the Americans with Disabilities Act (ADA) has not been reliably provided to the disability community. There are 1.1 million Arizonans who are deaf, hard of hearing, or deafblind, and the need to receive timely information related to the pandemic, the vaccines, and the vaccination sites is greater than ever. Moreover, the entire disability community has the right to effective communication and ADA accommodations to address problems experienced throughout the vaccination process – from registration forms, to transportation barriers, to inaccessible vaccination sites.

We acknowledge efforts made to provide American Sign Language Interpreters and Certified Deaf Interpreters, however, content on state-run YouTube pages concerning vaccines is not always properly captioned. The captioning is auto generated and often has spelling mistakes that can misinform individuals about key information.

Proposed Recommendations for Equitable Distribution

To address these issues, ADHS should take immediate action to amend its vaccination state plan and incorporate the considerations outlined in the [FEMA civil rights checklist COVID Vaccine Distribution Efforts](#). For example, vaccination locations must be accessible to individuals with disabilities consistent with disability rights statutes such as the ADA and Section 504 of the Rehabilitation Act of 1973. In addition, we strongly advise adhering to the [ADA National Network Information, Guidance, and Training](#) for any drive thru medical sites as part of the state public health emergency.

We appreciate that ADHS has worked with AHCCCS to allow funding for non-emergency medical transportation to vaccination sites. We still need options for individuals who would not be covered under this strategy, however. Rolling out mobile vaccination plans, such as Delaware's [reverse paratransit program](#), will guarantee vaccines are available to those who are unable to leave their home, and their caregivers.

Implementing these considerations will ensure access to the vaccine distribution plan's programs, services, and all communications related to those protected under the ADA as it relates to the ongoing pandemic and this plan.

Again, we respectfully implore you to address the urgent needs of our community by:

1. Prioritizing all ALTCS members who live in the community and their family caregivers under Phase 1b;
2. Requiring ADHS to incorporate the FEMA civil rights checklist; and
3. Adopting policies that remove barriers and provide reasonable accommodations throughout the vaccination process, including through communications, registration, transportation, and vaccination site access.

Additionally, we have ideas that can help ADHS more easily distribute the vaccines to our communities. We request a meeting with you to discuss those ideas and provide more insight into some of the barriers our communities have experienced so they may be finally and fully addressed.

As more vaccination priority categories continue to be released, timeliness has become even more critical. We request a response to our letter by Monday, March 1, 2021 so we can better determine next steps. Please respond to Sey In, staff attorney at ACDL at 602-274-6287 or Sin@azdisabilitylaw.org.

Honorable Doug Ducey

February 26, 2021

Page 4

Sincerely,

Arizona Association of Providers for People with Disabilities

Arizona Caregiver Coalition

Arizona Center for Disability Law

Arizona Commission for the Deaf and the Hard of Hearing

Arizona Developmental Disabilities Planning Council

Arizona Public Health Association

Christie Kendzior, MSW

D.A.M.E.S. (Differently Abled Mothers Empowerment Society)

Diverse Ability Incorporated

Down Syndrome Network Enrichment Center

Institute for Human Development

Native American Disability Law Center

Pilot Parents of Southern Arizona

Southwest Institute for Families and Children with Special Needs

Spina Bifida Association of Arizona

The Arc of Arizona

The Arc of Tempe

The Sonoran Center for Excellence in Disabilities