

# Know Your Rights

## COVID-19 & Your Right to Medical Treatment

Updated: May 12, 2020

People in Oregon are worried about getting the medical care they need when they get sick during the COVID-19 crisis. We also worry about running out of supplies, like ventilators, and being left out of decisions about who get these limited services. People with disabilities are standing up for their rights, with their families, their friends, and the people who know them.

### If you or someone you know has a disability:

- » You cannot be treated differently because of your disability.
- » You cannot be denied a ventilator just because you have a disability.
- » You have a right to good communication.
- » You have a right to information.
- » You can bring a family member or other helper with you unless they are also sick.
- » You get to decide what medical care you get.
- » You have the right to ask family members or friends to help you make decisions.
- » If you have a guardian, you still have the right to help make medical decisions.
- » You can ask for hospitals, doctors, or clients to change their policies to accommodate your disability.



## You cannot be treated differently because of your disability.

- » You have the right to get the treatment that you need.
- » You can go to a doctor, a clinic, or a hospital just like anybody else.
- » No one can treat you differently just because you have a disability.
- » Hospitals and clinics must provide you the medical treatment that you need.

## You cannot be denied a ventilator just because you have a disability.

- » You have a right to the same access to a ventilator as people without disabilities.
- » No one can deny you a ventilator or other emergency care just because of your disability.
- » To decide if you need a ventilator, a doctor must look at your unique medical needs.

## You have a right to good communication.

- » If you are deaf or hard of hearing, you have the right to ask for an ASL interpreter or CART. You can get papers in Braille, large print or in a computer file.
- » You have the right to a communication device like sound boards or pages of pictures you can use.
- » You can get information in simple words. Ask hospital or clinic staff to:
  - » Talk slowly and clearly.
  - » Use short simple sentences.
  - » Have only one idea or question in a sentence.
  - » Use hand gestures and facial expressions to give visual clues about the meaning of what you are saying.
  - » Some people with learning disabilities do not read or find it hard to understand when you explain things that are only in words. Pictures can help get your message across.
  - » If you communicate with pictures or written words, this [Hospital Communication Book](#) may be useful.



## You have a right to information.

- » When you talk with your doctor, the doctor should tell you all the different options to treat you while you are sick.
- » The doctor should tell you what the good and bad parts of each choice are.
- » You can ask the doctor any questions you may have. These are very important decisions.
- » No one should rush you or try to make you pick what they want. This is your decision.

## You can bring a family member or other helper with you unless they are also sick.

- » The hospital must change any visitation policies to allow care givers who help you communicate or help out with other activities that hospital staff lack the expertise or time to provide.

## You get to decide what medical care you get.

- » It is a good idea to write down your wishes before you get sick. Hospitals have to follow your wishes that you put into forms.
- » “[Advance directives](#)” are good forms to fill out if you want to choose a person to make health care decisions for you if you become too sick to speak for yourself.
- » You can fill out a [Physician’s Orders for Life-Sustaining Treatment \(POLST\)](#) so that any hospital in Oregon has access to your wishes.

## You have the right to ask family members or friends to help you make decisions.

- » Some people have a guardian, family, friend, or a person who’s been appointed their power of attorney help them make healthcare decisions.
- » Talk with people you trust before you get sick.
- » It is also important to also talk about what you don’t want.

## If you have a guardian, you still have the right to help make medical decisions.

- » A guardian may have the ability to make final decisions about your healthcare. Your guardian must ask what your wishes and preferences are.
- » Your guardian must ask a judge for permission before moving you to a nursing home or other place where people live while they get treatment. You can also tell a judge where you want to live.

## You can ask for hospitals, doctors, or clients to change their policies to accommodate your disability.

- » You can fill out an accommodations request form to bring with you to the hospital. Show the form to everyone and make sure a copy is put in your medical chart.

## Advocacy Tips

You can ask for hospitals, doctors, or clinics to change their policies to accommodate your disability. You can fill out an accommodations request form to bring with you to the hospital. Show the form to everyone and make sure a copy is put in your medical chart.

If you are worried about not getting an accommodation when you get to the hospital, you may want to print off these two documents from the Oregon Health Authority about your rights:

- » Hospital visitor policies: <https://droregon.org/OHA-visitor-guidance/>
- » Anti-discrimination in healthcare: <https://droregon.org/OHA-antidiscrimination/>

You can also contact the Oregon Health Authority Ombudsman:

- » Email: [OHA.OmbudsOffice@dhsosha.state.or.us](mailto:OHA.OmbudsOffice@dhsosha.state.or.us)
- » Phone: 1-877-642-0450 to leave a message (TTY: 711)

If you believe your right to medical treatment is being denied, contact us at: 503-243-2081 or 1-800-452-1694 and ask to schedule an intake appointment; or write us at Disability Rights Oregon, 511 SW 10th Avenue, Suite 200, Portland, Oregon 97205.

