

# STATE OF CONNECTICUT

OFFICE OF PROTECTION AND ADVOCACY FOR  
PERSONS WITH DISABILITIES  
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Executive Director

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March 16, 2013

The Honorable Bruce Morris  
Legislative Office Building  
Hartford, Connecticut 06106-1591

Dear Representative Morris:

Over the past seven years, our Office has been involved in efforts to promote inclusion of people with disabilities (including age-related disabilities), and families raising children with disabilities in disaster preparedness planning. Based on experiences during the two major storms that hit the State in 1911, and more recently, Storm Sandy, we have begun to focus increased attention on how well people with access and functional support needs are being included in mass care shelters.

While I am loathe to criticize efforts that are sincerely aimed at caring for people during extreme weather emergencies, we have noted that largely due to lack of appropriate direction and planning, in at least some areas of the State people with access and functional support needs who could be well supported in mass care shelters have been funneled instead to hospitals or long term care facilities. However well meaning, this categorical "triage" is, it amounts to little more than disability-based discrimination.

Many seniors and younger people with disabilities have had bad experiences in hospitals, and are greatly afraid of entering nursing homes. That fear is based in reality. They are afraid that caregivers who are not familiar with their individual needs, and who are not schooled to listen to them, may inadvertently hurt them as they are transferred or their positions are changed, or that they will acquire one of the many facility-hosted, treatment-resistant illnesses that have recently come to haunt health care facilities. But, mostly they are afraid that if they enter the world of facility-based health care, they will never leave. These are people who have care needs, but are not sick. They often expend tremendous effort and make considerable sacrifice in order to maintain their independent homes. The prospect of being transferred to a hospital or nursing home, even "temporarily", creates a major disincentive to their cooperating with evacuation orders. Many of these individuals receive home health services, and the agencies that provide those services are required by Department of Public Health regulation to have emergency care plans. However, the regulations are silent as to the factors that must be considered in making those plans. In some communities, where home health agencies have been included in municipal planning, those individual plans include continuing to provide services in shelter environments. However, in other communities there is no inclusion, and no coordination with emergency shelters is contemplated.

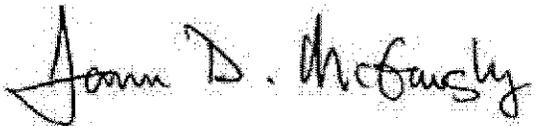
In several cases I am aware of, people with disabilities have literally been turned away from their community's shelters in direct violation of the requirements of the Americans with Disabilities Act. Both the U.S. Department of Justice (DOJ) and the Federal Emergency Management Agency (FEMA) have issued guidance documents explaining how the ADA applies, and giving detailed suggestions regarding

how to include people with access and functional support needs in mass care shelters. DOJ, which has sometimes resorted to litigation to enforce ADA requirements in disaster planning, is currently investigating at least one of the incidents in Connecticut.

In short, the issue you have identified in Proposed Bill 5984 is very real. I am sure that if the bill is raised, people from the disability community will express interest and testify at a public hearing.

If you have any questions, or if there is any way our Office can help, please let me know.

Sincerely,

A handwritten signature in black ink that reads "James D. McGaughey". The signature is written in a cursive style with a large initial "J" and "M".

James D. McGaughey  
Executive Director