



April 14, 2020

Dennis Murphy
President and Chief Executive Officer
Indiana University Health
[REDACTED]

SENT VIA ELECTRONIC MAIL ONLY

Re: Hospital Visitation Policies for Individuals with Disabilities

Dear Mr. Murphy,

Indiana Disability Rights is the federally-mandated and state-designated protection and advocacy organization for the state of Indiana. Our mission is to protect and promote the rights of individuals with disabilities through empowerment and advocacy.

We have been contacted about a troubling situation at Methodist Hospital, which we suspect is regrettably recurrent at most, if not all, Indiana University Health hospitals based on present policy. It was indicated that a family member with Down syndrome has been hospitalized at Methodist Hospital for three weeks with COVID-19. While she was sedated for the majority of that time, she is now awake and breathing on her own. Understandably, she does not know why she is there and why she cannot come home or have anyone there with her. Based on the current Indiana University Health hospital restrictions and visitor policy, Methodist Hospital denied the parents' request to visit their daughter.

Indiana Disability Rights urges Indiana University Health to adopt a policy on hospital visitors during the COVID-19 emergency that specifically includes exceptions for people with disabilities who may require a support person to stay with them during emergency room visits and hospitalizations. At present, while the Indiana University Health policy includes a number of exceptions to its "no visitors" restriction (e.g., one parent or guardian per pediatric or minor patient), it excludes guardians, family, and other caregivers of people with disabilities from participation in their care. Individuals with disabilities who need communication or behavioral supports in hospital situations retain their rights to reasonable accommodations under federal law, including the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act, and Section 1557 of the Affordable Care Act (ACA), even in a pandemic.

To assist Indiana University Health, Indiana Disability Rights reviewed several policies from various states and hospitals. We propose that Indiana University Health immediately revise its

Equality Through Advocacy
The Protection and Advocacy System for the State of Indiana



hospital visitation policies barring visitors to include an exception with language similar to the following example from Rush University Medical Center in Chicago, Illinois:

Patients with disabilities who need assistance due to the specifics of their disability may have one designated support person with them. This could include specific needs due to altered mental status, intellectual or cognitive disability, communication barriers or behavioral concerns. If a patient with a disability requires an accommodation that involves the presence of a family member, personal care assistant or similar disability service provider, knowledgeable about the management of their care, to physically or emotionally assist them during their hospitalization, this will be allowed with proper precautions taken to contain the spread of infection.

(See Rush University Medical Center policy found at <https://www.rush.edu/patients-visitors/covid-19-resources/rush-coronavirus-covid-19-patient-and-visitor-updates>.)

To ease the burden on the designated support person, we recommend that the policy allow the individual with disabilities to designate two support people but allow only one support person to be present at a time, consistent with the statewide policy in New York, which can be found at https://opwdd.ny.gov/system/files/documents/2020/04/doh_covid19_hospitalvisitation_4.10.20.pdf.

Indiana Disability Rights is appreciative of the tireless work of Indiana University Health and all Indiana healthcare providers in this emergency – thank you. Please do not hesitate to contact me should you have any questions or concerns regarding this matter or would like additional information. You may reach me at (317) 722-3443 or trishon@indianadisabilityrights.org.

Your assistance in this matter is appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas E. Crishon', written in a cursive style with a large, sweeping initial 'T'.

Thomas E. Crishon
Legal Director
