Dear Governor Herbert,

We write to you today as a coalition of community partners to implore you to issue a stay at home order to prevent the spread of Covid-19 and protect all Utahns with disabilities and those who are elderly. The distressing conditions we are witnessing in other states should serve as a precursor as to what can happen here in Utah. Our state must take action to stop the spread and protect high risk individuals. We recognize the State issued a “Stay at home, Stay safe” directive and appreciate the steps our State has taken to expand testing and issue guidance, and we thank you for your leadership. However, now is not the time for Utahns to ease their efforts. The State needs to follow Salt Lake City and Summit, Davis, Morgan, Weber, and Salt Lake Counties, as well as the majority of states across our nation that have already put orders in place to save lives, protect the most vulnerable in our community, and help health care workers fight the spread of infection.

Many, but not all, people with disabilities have underlying health conditions that put them at higher risk to become severely ill with Covid-19. Like health care workers, people with disabilities are often unable to completely isolate. Individuals with disabilities living in the community may rely on friends, family members, or paid caregivers who help them with daily living. Now more than ever this support may be necessary for some individuals to engage in protective measures such as handwashing, sanitizing frequently touched items, and going out for essential supplies. Slowing the spread of the virus is vital to ensure individuals can continue to receive care in their home, rather than risk going without care or being forced into an institution.

More distressing are large congregate facilities that serve people with disabilities and the elderly. These facilities include nursing homes, assisted living, intermediate care facilities, and psychiatric facilities. Institutionalization alone puts individuals at greater risk of harm due to the segregated nature of these settings. One of the harms we have observed that is relevant to the current pandemic is crowded facilities with low staff to patient ratios. Because of these conditions, congregate facilities are at serious risk for exposure and infection from communicable diseases.
In the state of Washington, the epicenter of the outbreak began at the Life Care Center, a nursing home where more than 30 people died from Covid-19. A New Jersey nursing facility recently announced that all 94 residents are presumed positive. The State Supported Living Center in Texas, a facility that provides residential care for people with intellectual and developmental disabilities, has already reported 50 cases out of 400 residents and 23 employees. In Missouri, 27 long-term care facilities have reported at least one resident or employee who has tested positive for coronavirus.

Utah is home to hundreds of long-term care facilities across the state in rural and urban areas that provide care to thousands of Utahns. We have already begun to hear reports of health care workers in these facilities running out of sanitizing wipes and masks. Our constituents worry that if Utah hospitals become overwhelmed with Covid-19 patients, this will inevitably lead to a rationing of care in a manner that prioritizes the “healthy” over individuals with disabilities and the elderly.

We would like to serve as a resource and partner to protect those with disabilities and the elderly in our State. We would therefore like to offer the following recommendations:

- Establish a long-term care task force of representatives from the Department of Health, the Division of Services for People with Disabilities, the Bureau of Health Facility Licensing, the Long-Term Care Ombudsman, and the Disability Law Center as the State’s Protection and Advocacy Agency. The purpose of this group would be to provide information sharing, as well as to manage and oversee the Covid-19 response in Long Term Care Facilities.
- Ongoing data collection of our state’s long-term care facilities’ ability to access personal protective equipment, cleaning supplies, and the availability of testing for Covid-19.
- Create clear safety protocols for employees working in long-term care facilities in order to stop the spread of infection including requirements such as fever testing upon arrival. Any guidance should be accessible in multiple languages and formats.
- Establish a channel to report suspected cases of Covid-19 in long term-care facilities. This channel should be readily available to the public, residents, and facility employees.
- Expanded licensing efforts with the Bureau of Health Facility Licensing to immediately begin performing targeted infection-control inspections of long-term care facilities. This is crucial to ensure the State is overseeing the care and protection of those who are most vulnerable in our state.1

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1 A KSL article from March 3, 2020 details that “(t)he Utah Department of Health said they are not doing inspections of nursing homes or assisted-living facilities for the coronavirus.” (https://ksl.tv.com/432393/utah-nursing-homes-care-facilities-following-cdc-coronavirus-guidelines/). We sincerely hope the State’s position has since changed, as inaction puts thousands of lives in danger. Federal and Washington State officials recently found failures at the Life Care Center in Kirkland to notify state officials about the increasing infections, failed to identify and manage ill residents, and failed to have a backup plan after the facility’s primary
We realize a stay at home order is a difficult and drastic measure for our state, so it must be done with care to ensure Utahns’ rights are impacted as little as possible. Any order must be focused on science and public health, and the experts in those fields should direct the process. The order should only be for as long as necessary to protect the public health, and it should be done in a way that does not discriminate.

However, we have continued to witness the devastating impact of Covid-19 on countries abroad, and now here in the United States. With the cases growing daily in Utah, including new cases in long-term care facilities, we believe now is the time to act and join the 41 states and local counties that have already issued stay at home orders. The best way to protect against outbreaks in long-term care facilities and the possibility of health care rationing, is to take preventative measures and continue to flatten the curve.

Sincerely,

Adina Zahradnikova
Executive Director
Disability Law Center

 clinician became ill. These failures were found to lead to hospitalizations and deaths. A fine of more than $600,000 has been levied against the facility for how it handled the outbreak. (https://www.nytimes.com/2020/04/02/us/virus-kirkland-life-care-nursing-home.html). The role of licensing and inspection is now more important than ever to mitigate the spread of infection in our long-term care facilities. A failure to increase monitoring efforts in long-term care facilities will have grave outcomes for our State.
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Utah State House of Representatives  
District 36

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Executive Director  
Disabled Rights Action Committee

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District 32

Rep. Brian S. King  
House Minority Leader  
Utah State House of Representatives  
District 28

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Utah State House of Representatives  
District 34

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