

From: Jake Cornett
Date: Friday, May 1, 2020 at 4:25 PM
To: Sen Gelser
Cc: "Emily Cooper (DRO)"
Subject: COVID/Disability Rights Legislative Issues

Good afternoon Senator:

I wanted to share with you DRO's short list of key legislative issues that could be extremely helpful in mitigating the negative impact of COVID-19 on people with disabilities. We would be so grateful if you are willing to help us forward any/all of these issues during a special session. Please let Emily and I know (cc'ed here) if you'd like to speak about any of these issues.

1. Addressing Forced Facility Move-Outs (see attached letter as background, also available [HERE](#))

- Prohibition on forcible move outs during this pandemic, including as a result of non-compliance with public health orders when such non-compliance is the result of a resident being unable to comply due to disability
- Funding for the State Protection and Advocacy Agency to provide advocacy and legal representation to people in Long-Term Care and Residential Facilities (picking up with the Ombuds authority ends)

2. Prohibiting Discrimination in Rationing of Health Care During an Emergency (see attached letter to Gov. Brown's staff for background, also available [HERE](#))

- While such discrimination is unlawful under the Americans with Disabilities Act, Rehabilitation Act, and Affordable Care Act, we see huge problems with the Oregon Crisis Care Guide and feel a more detailed/specific state law could be very helpful. Especially if it emphasized the issues outlined in the letter we sent to Gov. Brown
- Requirement to accommodate people with disabilities, including access to personal care providers

3. Encourage the Continuation of Reduction in Jail Population (see attached report for background, also available [HERE](#))

- People who are in jail but have been court ordered to receive mental health services should be transferred to the state hospital or released from custody to community based treatment
- Legislation should provide Sheriffs or Jail Commanders greater discretion (and encourage its use) to release people with minor pending charges, especially if they have health conditions that are difficult to care for in jail.
- Reassess the Court's recognizance release criteria to prevent penalizing people who are homeless, unemployed, or have unmet behavioral healthcare needs
- Encourage District Attorneys to decline to proceed on low-level cases, especially where there is a nexus to disability.

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