



September 14, 2023

Xavier Becerra, Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Melanie Fontes Rainer, Director Office for Civil Rights
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Secretary Becerra and Director Rainer:

The undersigned Co-Chairs of the Consortium for Constituents with Disabilities (CCD) acknowledge and thank the Department of Health and Human Services for the publication of its historic proposed rule, *Discrimination on the Basis of Disability in Health and Human Service Programs or Activities*. CCD is the largest coalition of national organizations working together to advocate for federal public policy that ensures the self-determination, independence, empowerment, integration, and inclusion of children and adults with disabilities in all aspects of society, free from racism, ableism, sexism, and xenophobia, as well as LGBTQ+ based discrimination and religious intolerance.

The long-awaited proposed rule updates, clarifies, and strengthens the implementing regulation for Section 504 of the Rehabilitation Act of 1973 (Section 504), the statute that prohibits discrimination against otherwise qualified individuals on the basis of disability in programs and activities that receive Federal financial assistance or are conducted by a Federal agency. Detailed regulations were initially enacted more than 45 years ago, and only after the disability community and allies engaged in years of advocacy and public protest.¹

The rule seeks to address continued discrimination in medical treatment, value assessment methods, child welfare programs and activities, website and mobile applications accessibility, telemed portal access with assistive technology, accessible medical equipment, and integration. As you are well aware, disabled individuals were harmed and killed during the initial COVID emergency when, due to limited resources, crisis standards of care were applied. People with disabilities, especially and including those who are multiply marginalized, lost access to necessary medical equipment such as ventilators and did not receive the care they needed. Discrimination in access to care continues with the on-going use of methodologies to assess treatment cost-effectiveness that systematically devalue the lives of people with disabilities. We look forward to reviewing and responding to rules that ensure disabled people's lives are

not valued less than others; that children, parents, caregivers, foster parents, and prospective parents with disabilities do not face discrimination in a range of settings; and that websites, kiosks and mobile apps, weight scales, and exam tables used in medical settings are accessible to all patients.

Nearly 50 years after passage of the Rehabilitation Act, these updates are needed now more than ever. COVID and the aging population has led to a significant increase in the numbers of people with disabilities, including Black, Indigenous and other people of color and members of the LGBTQIA+ community who continue to face barriers to equal and just access to care. COVID will not be the last pandemic or other emergency this nation faces, and we cannot repeat the mistakes of the past when encountering future threats. We must continue to uphold the intent of the Rehabilitation Act and Section 504 and ensure discrimination in health care is not tolerated and every person's life is valued.

Thank you again to the HHS leadership and staff for your significant efforts. We commend those who worked tirelessly behind the scenes. We commit to reviewing and responding in detail to the proposed rule and continuing to engage with the Administration to ensure access and a high quality of life for all people with disabilities.

Sincerely,

CCD Health Task Force Co-Chairs

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Laura Kaloi
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American Council of the Blind

¹ Learn more about the advocacy and sit-in for the 504 regulations at <https://dredf.org/504-sit-in-20th-anniversary/>