

April 11, 2020

Commissioner Judith Persichilli
New Jersey Department of Health
369 South Warren Street
Trenton, New Jersey 08608

Via scanned email to [REDACTED]

Re: Hospital Visitation Policies for Individuals with Disabilities

Dear Commissioner Persichilli:

I write on behalf of Disability Rights New Jersey (DRNJ), the state designated protection and advocacy agency. DRNJ urges the Department of Health to adopt a statewide policy on hospital visitors during the COVID-19 emergency that includes exceptions for people with disabilities who may require a support person to stay with them during emergency room visits and hospitalizations. At the present time, New Jersey hospitals each are developing their own visitor policies, and in some cases, those policies exclude guardians and 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 the Department, DRNJ reviewed several policies from various states and hospitals. We propose that New Jersey immediately issue a directive stating that hospital visitation policies barring visitors must include an exception with language similar to the following:

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 New York State Policy which can be found at https://opwdd.ny.gov/system/files/documents/2020/04/doh_covid19_hospitalvisitation_4.10.20.pdf.

Disability Rights New Jersey is appreciative of the tireless work of the Department of Health, as well as all state agencies in this emergency – thank you. Please do not hesitate to contact me at [REDACTED] or (609) 292-9742 if you have questions regarding this matter or would like additional information. Thank you for your attention to this matter.

Sincerely,

/s/ Gwen Orlowski

Gwen Orlowski
Executive Director

cc: Governor Phil Murphy
Commissioner Carole Johnson
Deputy Commissioner Sarah Adelman
Assistant Commissioner Jonathan Seifried