

# HOSPITAL DENIAL OF CARE to Individuals with ID/A

In April 2020, the *Isaiah Baker Margie Harris Austin Bill*, or the **"Hospital Bill,"** was passed in the first round of COVID-19 Relief Legislation. The bill allows Direct Support Professionals (DSPs) who support an individual with Intellectual Disability/Autism (ID/A) to accompany the individual while the individual is in the hospital. This bill is critical at all times, but even more so during a pandemic when individuals are at high risk of complications from COVID-19 and need trusted staff with them in the hospital to help with communication and behavioral needs.

*"We attempt to educate them on the fact that individuals with ID are to be allowed to have support staff but they are adamant that this against their policy."*

*"In two particular situations our individuals psychologically and emotionally deteriorated. One is currently in a rehab center; the other in hospice. We firmly believe had staff been allowed to support them from the beginning, these individuals would have been able to overcome COVID and come home. It is incredibly difficult to see that they languished in the hospital setting. In the scheme of things, hospitals should view our staff as a resource to help through the COVID crisis."*

In guidance to Hospitals, Pennsylvania's Department of Health states: "While hospitals are entitled to discretion in the implementation of visitor policies, the terms of those policies must adhere to Federal and State law. **Specifically, a hospital, through its visitor policy, cannot deny access to an attendant, caregiver or family member of a patient who has an intellectual, developmental or cognitive disability, communication barrier, or behavioral concerns.**"

Due to reports from members that some hospitals are refusing to allow DSPs into the hospital to accompany the individual, PAR sent out a survey in January 2021 to ask members about the challenges their staff have experienced with hospitals denying entry. **Below is the summary of the results.**

## NUMBER OF SURVEY RESPONSES = 18

- **13 out of 18** respondents have had difficulty with staff being allowed to support individuals in the hospital.
- **51** Individuals had staff that were prevented from supporting them in the hospital. Many, but not all, of these individuals had COVID or suspected COVID.
- **Reasons that hospitals gave** to prevent DSPs from entering the hospital to support individuals include:
  - Hospital COVID policies/protocol
  - Wanting to limit visitors
  - Staff had "incorrect PPE"
- **18** individuals had staff who were challenged about entering the hospital, but eventually were let in.
- **Techniques used** that allowed DSPs to eventually be allowed in include:
  - Staff/parents calling the hospital
  - Increased behaviors of individuals
  - Explaining to the hospital that staff need to be allowed in

## CONCLUSION:

These data are very concerning and have the potential to be detrimental to the health and safety of individuals with ID/A. Thanks to recently passed legislation, individuals can now have their trusted DSPs accompany them to the hospital. It is critical that the Department of Human Services (DHS), the Department of Health (DOH), the ID/A System, and the Hospital system partner together to ensure that individuals with ID/A have the support they need from DSPs while they are receiving care at the hospital.