

The Arc: Over 30 groups file amicus brief in Wisconsin regarding heightened COVID-19 risks to people with disabilities and older adults

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Washington, D.C. – The Arc, The Arc Wisconsin, and over thirty Wisconsin and national

disability and aging advocacy organizations, represented by the law firm Munger Tolles &

Olson, have filed an amicus brief with the Wisconsin Supreme Court explaining the significantly heightened risks to people with disabilities and older adults of experiencing life-threatening consequences from COVID-19. These heightened risks are further compounded by race, with African Americans more likely to have a disability than any other group and dying from the virus at twice the rate of the rest of the population. In Wisconsin, African Americans are 6% of the population, but 39% of deaths from COVID-19. Should the state's stay-at-home order ("order") be lifted prematurely, the disproportionate harm to people with disabilities and older adults would only worsen, putting thousands of lives in immediate danger, especially those living in group homes and congregate care settings.

"Re-opening cities and states too early against the advice of state public health officials

would increase spread of the virus and overwhelm our health care system with a resurgence of COVID-19, with disproportionate and devastating effects on people with disabilities and older adults, who are far more likely to experience life-threatening consequences from the virus. The Arc has been fighting tooth and nail to protect people with disabilities during this pandemic, and any interference with state public health measures significantly undermines the important progress that

has been made nationwide, with inevitably tragic results,” said Peter Berns, Chief Executive Officer of The Arc.

“We are gravely concerned for the lives of Wisconsinites with disabilities, older adults, and their support staff. We have heard from many constituents across the state about the fears they have about this virus and anxiety regarding experiencing discrimination in medical care if they end up hospitalized. The Arc Wisconsin and our partner organizations have worked hard over the last month to ensure the best possible outcomes for our constituents during this pandemic and we simply cannot afford to go backwards,” said Lisa Pugh, Executive Director of The Arc Wisconsin.

If the order is lifted against the advice of public health officials, people with disabilities and older adults—already at heightened risk of life-threatening complications from the virus—will face even greater risks of harm due to:

Underlying conditions. People with disabilities of any age are more likely to have underlying health conditions that put them at greater risk of serious complications and death if exposed to the virus.

Lack of Personal Protective Equipment (PPE). People with disabilities and older adults, whether living in congregate or community-based settings, often require assistance from a workforce that cannot maintain social distance while supporting them in their daily lives. The state and nationwide shortage of PPE puts both staff and those they are supporting at higher risk of contracting the virus, which will only be exacerbated if the order is lifted.

Congregate settings. Many individuals with disabilities and older adults live in congregate settings such as group homes, nursing homes, intermediate care facilities, and psychiatric facilities. Congregate settings like these have seen rampant spread of the disease and alarming death rates. If the order is lifted, these numbers will only worsen due to greater community exposure of staff coming in and out of the facilities and the potential lifting of visitor restrictions to these facilities.

Discrimination in medical care. People with disabilities and older adults are at greater risk of being denied life-saving medical care treatment if an uncontrolled

outbreak forces rationing of medical care, a situation in which people with disabilities and older adults are more likely to be harmed due to a history of discrimination.

Homelessness. People with disabilities and older adults also experience homelessness at a far greater rate than the rest of the population, putting them at even greater risk as the CDC has identified homelessness as an additional risk factor in contracting the virus.