

July 23, 2020

The Honorable Mitch McConnell
Majority Leader
United States Senate
Washington, D.C. 20510

The Honorable Charles Schumer
Minority Leader
United States Senate
Washington, D.C. 20510

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives
Washington, D.C. 20515

Dear Majority Leader McConnell, Minority Leader Schumer, Speaker Pelosi, and Minority Leader McCarthy:

We are organizations that care about the health of limited English Proficient (LEP), deaf, hard-of-hearing, and DeafBlind communities, blind persons, and people who cannot rely on speech to be heard and understood. Sadly, the needs of people in these communities, who data show comprise tens of millions of individuals across the country, including children and older adults, are not being met during the COVID-19 pandemic.¹ We urge you to dedicate resources and oversight to ensuring language and communications needs are not a barrier to COVID-19 public health knowledge, testing and treatment.

While civil rights laws require that the federal government and recipients of federal funding provide equal access to persons needing language and communication assistance, in practice, many entities do not. In addition, many impacted patients are unaware of their rights. Even prior to this public health crisis, these populations often received inadequate health care services. For example, research has found that people who are LEP, meaning they speak English less than very well, receive lower quality of care and experience higher rates of medical errors.² Similarly, people who are deaf or have communication-related disabilities more often experience inadequate health care, medical errors, trouble finding medical care providers, and delay or forego medical care due to the cost and availability of services.³ When people with language and communications needs are not given equal access to information and services, health care providers may make incorrect assumptions about their symptoms, health care needs, and the value of their life.

The Department of Homeland Security's (DHS) National Response Framework repeatedly calls for "ongoing clear, consistent, accessible, and culturally and linguistically appropriate

¹ The American Community Survey estimates show 25 million Limited English Proficient people in the U.S, the National Health Interview Survey estimates show 37.5 million people who report trouble hearing, CommunicationFIRST estimates 5 million people cannot rely on speech to communicate, and NIH funded research estimates one million people who are blind and 3.2 million with vision impairment.

² Green, Alexander and Chijioke Nze, "Language-Based Inequity in Health Care: Who Is the "Poor Historian"?" *AMA Journal of Ethics* (March 2017). Available at: <https://journalofethics.ama-assn.org/article/language-based-inequity-health-care-who-poor-historian/2017-03>.

³ Stransky, Michelle and Megan Morris, "Adults with Communication Disabilities Face Health Care Obstacles," *The ASHA Leader* (March 1, 2019). Available at: <https://leader.pubs.asha.org/doi/10.1044/leader.FTR1.24032019.46>.

communication to ensure an appropriate response.”⁴ The Department of Health and Human Services Office for Civil Rights has made it clear that the communications needs of COVID-19 patients must be respected.⁵ Yet to date, the Centers for Disease Control and Prevention (CDC) has only translated its COVID-19 website into four languages and its print materials inconsistently. In the absence of federal resources, some states and localities have put scarce resources into developing their own materials, but many have not.⁶ The race to get materials available online can lead to additional accessibility problems for people who are blind or visually impaired.⁷ Inflexible hospital visitation policies mean that interpreters and support persons are barred or face complex barriers and risks to serve patient needs.^{8,9,10,11,12,13} Telehealth systems are not set up to fully accommodate a diverse array of patient needs, leading to poor quality or no accessible communications options.¹⁴ Media outlets have reported that a lack of sufficient communications policies or resources have directly been tied to spread of the virus.^{15,16}

In the next legislative package addressing COVID-19, Congress must address these problems. Congress should pass legislation that:

⁴ "National Response Framework, Fourth Edition" (October 28, 2019). Available at: https://www.fema.gov/media-library-data/1582825590194-2f000855d442fc3c9f18547d1468990d/NRF_FINALApproved_508_2011028v1040.pdf.

⁵ "Civil Rights and COVID-19," U.S. Department of Human Services Office for Civil Rights. Available at: <https://www.hhs.gov/civil-rights/for-providers/civil-rights-covid19/index.html>.

⁶ See Bustillos, Esteban, "How Are People Who Don't Primarily Speak English Getting Information About Coronavirus?," WGBH (March 20, 2020). Available at: <https://www.wgbh.org/news/local-news/2020/03/20/how-are-people-who-dont-primarily-speak-english-getting-information-about-coronavirus>. See also Bergstrom, Danielle, "Fresno-area Translators Race to Get Coronavirus info to Hmong, Punjabi, Spanish Speakers," Fresno Bee (March 24, 2020). Available at: <https://www.fresnobee.com/fresnoland/article241450391.html>.

⁷ Jeffries, Adriane, "State Users Struggle with State Coronavirus Websites," The Markup (April 21, 2020). Available at: <https://themarkup.org/2020/04/21/blind-users-struggle-with-state-coronavirus-websites>.

⁸ Interpreters to include ASL interpreters.

⁹ Miller, Leila, "Coronavirus Poses Added Challenges for Hospital Patients who are Deaf or Hard of Hearing," Los Angeles Times (April 16, 2020). Available at <https://www.latimes.com/california/story/2020-04-16/coronavirus-deaf-hearing-hospitals-interpreters>.

¹⁰ Kaplan, Joshua, "Hospitals Have Left Many COVID-19 Patients Who Don't Speak English Alone, Confused and Without Proper Care," ProPublica (March 21, 2020). Available at: <https://www.propublica.org/article/hospitals-have-left-many-covid-19-patients-who-dont-speak-english-alone-confused-and-without-proper-care>.

¹¹ Shaprio, Joseph, "Hospital Visitor Bans Under Scrutiny After Disability Groups Raise Concerns Over Care," NPR (May 17, 2020). Available at: <https://www.npr.org/2020/05/17/857531789/federal-government-asked-to-tell-hospitals-modify-visit-bans>.

¹² "OCR Resolves Complaints after State of Connecticut and Private Hospital Safeguard the Rights of Persons with Disabilities to Have Reasonable Access to Support Persons in Hospital Settings During COVID-19," United States Department of Health and Human Services Office for Civil Rights (June 9, 2020). Available at: <https://www.hhs.gov/about/news/2020/06/09/ocr-resolves-complaints-after-state-connecticut-private-hospital-safeguard-rights-persons.html?eType=EmailBlastContent&eId=59c02a10-bc2b-4993-916b-d45759d27936>.

¹³ "Evaluation Framework for Hospital Visitor Policies," Arc of the United States, Autistic Self Advocacy Network, Bazelon Center for Mental Health Law, Center for Public Representation, CommunicationFIRST, and Disability Rights Education and Defense Fund. Available at: <https://secureservercdn.net/166.62.108.22/izh.66f.myftpupload.com/wp-content/uploads/2020/06/FINAL-Disability-Org-Guidance-on-COVID-19-Hospital-Visitation-Policies-060920.pdf>.

¹⁴ Katz, Sarah, "The Deaf Community is Facing New Barriers as we Navigate Inaccessible Face Masks and Struggle to Follow News Broadcasts and Teleconferences — but the Tools for Accessibility Are Out There," Business Insider (April 29, 2020). Available at: <https://www.businessinsider.com/deaf-people-face-new-barriers-amidst-pandemic-accessible-tools-2020-4>.

¹⁵ Martinez Valdivia, Sebastian, "Language Barrier Hinders COVID-19 Response At Meat Processing Plants," WFYI Indianapolis, (June 6, 2020). Available at: <https://www.wfyi.org/news/articles/language-barrier-hinders-covid-19-response-at-meat-processing-plants>.

¹⁶ Rao, Maya, "A large percentage of Minnesota COVID-19 patients don't speak English," Star Tribune (May 26, 2020). Available at: <https://www.startribune.com/a-large-percentage-of-minnesota-covid-19-patients-don-t-speak-english/570772542/?refresh=true>.

- Requires that all materials related to the pandemic are provided, in a timely way, in at least 19 written languages and American Sign Language (ASL), as recommended in the DHS Language Access Plan¹⁷, and in alternative formats such as large font print, electronic formats, Braille, fully accessible websites, and captioned and ASL videos.
- Addresses in-person communications needs, particularly at COVID-19 testing and treatment sites, including hospitals, by ensuring funding for and access to qualified interpretation services, support persons, communications boards, and other augmentative communication tools.
- Requires that contact tracing efforts, both through trained staff and digital applications, are fully available to people with diverse communications needs and that contact tracers have access to interpreters and are trained in how to work with them.
- Ensures that all patients are aware of their rights under civil rights laws, as well as how to file complaints, and that covered entities are aware of their responsibilities to ensure effective communication with all patients during the pandemic.
- Makes comprehensive data available through the collection and regular reporting of language and disability characteristics of COVID-19 cases and deaths at all testing, treatment and ultimately vaccination sites, including from institutional entities.

We appreciate the introduction of bills that cover some of these needs such as the Coronavirus Immigrant Families Protection Act (H.R. 6437/S.3609), the COVID-19 Language Access Act (H.R. 6623), and the COVID-19 Recovery for Seniors and People with Disabilities Act (S.3740). We urge you to include these bills and the above policies in the critically-needed, next phase of COVID-19 legislation. Otherwise, millions of people will be left out, threatening our collective response.

Sincerely,

National Organizations

Asian & Pacific Islander American Health Forum
 Association of Asian Pacific Community Health Organizations (AAPCHO)
 Disability Rights Education and Defense Fund (DREDF)
 National Health Law Program
 ACCESS
 Advocating Opportunity
 Aging Life Care Association
 Alianza Americas
 Alianza Nacional de Campesinas
 Alliance for Aging Research
 Alliance for Retired Americans
 American Association of People with Disabilities
 American Association on Health and Disability
 American Council of the Blind

¹⁷ “Language Access Plan,” U.S. Department of Homeland Security Federal Emergency Management Agency (October 1, 2016). Available at: <https://www.dhs.gov/sites/default/files/publications/FEMA%20Language%20Access%20Plan.pdf>

American Federation of Teachers (AFT)
American Holistic Nurses Credentialing Corporation
American Kidney Fund
American Lung Association
American Muslim Health Professionals
American Network of Community Options and Resources (ANCOR)
American Physical Therapy Association
American Society of Nephrology
American Speech-Language-Hearing Association
Asian Americans Advancing Justice - AAJC
Asian Americans Advancing Justice - Asian Law Caucus
Asian Pacific American Labor Alliance, AFL-CIO
Asian Pacific Institute on Gender-Based Violence
Association of Farmworker Opportunity Programs
Association of Schools and Programs of Public Health
Association of University Centers on Disabilities (AUCD)
Athlete Ally
Autistic Self Advocacy Network
Autistic Women & Nonbinary Network
Bazon Center for Mental Health Law
Brain Injury Association of America
Center for Disability Rights
Center for Law and Social Policy
Center for Medicare Advocacy
Center for Public Representation
CenterLink: The Community of LGBT Centers
Certification Commission for Healthcare Interpreters (CCHI)
Christopher & Dana Reeve Foundation
Chronic Sex
Church World Service
Coalition of Labor Union Women
Coalition on Human Needs
CommunicationFIRST
Community Catalyst
Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces
Council of Administrators of Special Education
Boat People SOS
East Coast Asian American Student Union (ECAASU)
Eating Disorders Coalition for Research, Policy & Action
Empowering Pacific Islander Communities (EPIC)
Epilepsy Foundation
Families USA
Farmworker Justice
First Focus Campaign for Children

Freedom Network USA
Health Resources in Action
Healthy Kinder International, LLC
Hep B United
Hepatitis B Foundation
Hispanic Federation
Hispanic Health Network
Immunization Action Coalition
International Rescue Committee
Japanese American Citizens League
Japanese American Citizens League, Idaho Falls Chapter
Justice for Migrant Women
Kids in Need of Defense (KIND)
Labor Council for Latin American Advancement
Lakeshore Foundation
Laotian American National Alliance
Latino Commission on AIDS
LatinosAgainstAlzheimer's
Little Lobbyists
Lupus and Allied Diseases Association, Inc.
Mi Familia Vota
MomsRising
NAACP
NASTAD
National Academy of Elder Law Attorneys
National Advocacy Center of the Sisters of the Good Shepherd
National Alliance for Safe Housing
National Asian American Pacific Islander Mental Health Association
National Asian Pacific American Bar Association (NAPABA)
National Asian Pacific American Women's Forum (NAPAWF)
National Association of Councils on Developmental Disabilities
National Association of Nutrition and Aging Services Programs (NANASP)
National Association of State Long Term Care Ombudsman Programs
National Association Social Workers
National Coalition Against Domestic Violence
National Council of Asian Pacific Americans - NCAPA
National Council of Gray Panthers Networks
National Council on Aging
National Council on Independent living
National Council on Interpreting in Health Care
National Down Syndrome Congress
National Family Planning & Reproductive Health Association
National Immigration Law Center
National Network for Immigrant & Refugee Rights

National Partnership for Women & Families
National Queer Asian Pacific Islander Alliance (NQAPIA)
National REACH Coalition
National WIC Association
National Women's Health Network
Network in Solidarity with the People of Guatemala (NISGUA)
Our Mother's Voice
Papa Ola Lokahi
Prevention Institute
Planned Parenthood Federation of America
Progressive Doctors
Public Advocacy for Kids (PAK)
Public Citizen
Registry of Interpreters for the Deaf
Residential Eating Disorders Consortium
South Asian Americans Leading Together (SAALT)
SHK Global Health
Sojourners
SPLC Action Fund
Tahirih Justice Center
The Arc of the United States
The Coelho Center for Disability Law, Policy and Innovation
The Forum for Youth Investment
The Jewish Federations of North America
The Leadership Conference on Civil and Human Rights
The Trevor Project
Treatment Action Group
UnidosUS
URGE: Unite for Reproductive & Gender Equity
Voices for Progress
Whitman-Walker Institute
Young Invincibles

State and Local Organizations

Alabama

¡HICA! Hispanic Interest Coalition of Alabama
Etowah Visitation Project, a member organization of Freedom for Immigrants

Arizona

Asian Pacific Community in Action
Children's Action Alliance
Japanese American Citizens League, Arizona Chapter
The Arc of Arizona
William E. Morris Institute for Justice

California

Alliance for a Better Community
Asian Americans Advancing Justice - Los Angeles
Asian Resources, Inc
California Center for Rural Policy
California Commission on Aging
California Immigrant Policy Center
California Pan-Ethnic Health Network
Cambodia Town, Inc.
Casa San Jose
Center for Empowering Refugees and Immigrants
Centro Binacional para el Desarrollo Indígena Oaxaqueño (CBDIO)
Coalition for Humane Immigrant Rights (CHIRLA)
Community Health Councils
Exceptional Parents Unlimited
Fresno Interdenominational Refugee Ministries
Healthy House Within A MATCH Coalition
Hmong Innovating Politics, HIP
Japanese American Citizens' League, Sacramento Chapter
Japanese American Citizens League, San Jose Chapter
Korean Community Center of the East Bay
Latino Coalition for a Healthy CA
LIFE ElderCare
Little Tokyo Service Center
liz.logsdon@disabilityrightsca.org
Los Angeles Regional Food Bank
Mid-City CAN (Community Advocacy Network)
Multi-Ethnic Collaborative of Community Agencies
NICOS Chinese Health Coalition
Pacific Asian Counseling Services
Proteus Inc.
SAAHAS For Cause
San Diego Planning Partnership
Services, Immigrant Rights & Education Network (SIREN)
Street Level Health Project
Support for Families
Thai Community Development Center
The Cambodian Family Community Center
The Children's Partnership
Union Station Homeless Services
United Cambodian Community
Colorado Children's Campaign
THRIVE Center

Connecticut

Amplify, Inc.

District of Columbia

Advocates for Justice and Education, Inc

Florida

Florida Legal Services, Inc

Georgia

Healthy Savannah

Parent to Parent of Georgia

Hawaii

Hawaii Families As Allies

Hawaii Health & Harm Reduction Center

Hep Free Hawaii

Lanai Community Health Center

Idaho

Centro de Comunidad y Justicia

Idaho Parents Unlimited

Illinois

AIDS Foundation Chicago

JACL Chicago

Shriver Center on Poverty Law

Iowa

EMBARC

Kentucky

Kentucky Equal Justice Center

Maine

Disability Rights Maine

Immigrant Legal Advocacy Project

Maryland

Public Justice Center

The Parents' Place of MD

Voices for Quality Care (LTC), Inc.

Massachusetts

Rian Immigrant Center

Michigan

Center for Civil Justice

Michigan Long Term Care Ombudsman Program

Minnesota

Asian American Organizing Project (AAOP)

Mississippi

Mississippi Center for Justice

Nebraska

Nebraska Appleseed

New Jersey

Family Voices NJ

Wind of the Spirit Immigrant Resource Center

New Mexico

New Mexico Center on Law and Poverty

Parents Reaching Out

Santa Fe Mutual Aid

Southwest Women's Law Center

New York

Asian American Federation

Bronx Health REACH

Bronx-Westchester AHEC

Center for Independence of the Disabled, NY

Chinese American Planning Council

Christopher Rose Community Empowerment Campaign

church alive development corp

Coalition for Asian American Children and Families

Community Food Advocates

FPWA

Korean Community Services of Metropolitan NY

Neighbors In Support of Immigrants

New York Immigration Coalition

New York Lawyers for the Public Interest

Pathhseo, Inc.

The Church of God of Prophecy, Bronx NY

The Point CDC

United Business Cooperative
We All Rise

North Carolina

Equality North Carolina

Ohio

Dayton Chapter Japanese American Citizens League
Ohio Asian American Health Coalition

Oregon

APANO
FACT Oregon
Portland Chapter JACL

Pennsylvania

Center for Advocacy for the Rights and Interests of the Elderly (CARIE)
Community Legal Services of Philadelphia
Japanese American Citizens League Philadelphia Chapter
Terri Lynch-Kenyon - LTC citizen advocate

South Carolina

Family Connection of South Carolina
South Carolina Appleseed Legal Justice Center
South Dakota Parent Connection

Tennessee

Tennessee Justice Center

Texas

Every Texan (formerly CPPP)
The Immunization Partnership
VN TeamWork, Inc.

Texas

Voices for Utah Children

Washington

Asian Counseling and Referral Service
International Community Health Services
Open Doors for Multicultural Families
PAVE Family Voices Washington
WA PAVE (Partnerships for Action, Voices for Empowerment)

West Virginia
WV Parent Training and Information Inc.