

May 1, 2020

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

Via scanned email to [REDACTED]

**Re: Policy re: Support Person Permitted for a Patient with a Disability
April 25, 2020**

Dear Commissioner Persichilli:

I write on behalf of Disability Rights New Jersey (DRNJ), the state designated protection and advocacy agency, to thank you and the Department of Health for the policy issued on April 25, 2020, instructing hospitals that a designated support person is essential to patient care for individuals with certain disabilities during this COVID crisis. DRNJ along with several advocacy partners were at the forefront of this critical issue for individuals with disabilities and their families, and we appreciate that you heard the concern immediately and took steps to ensure that the civil rights of patients with disabilities would be protected.

As Governor Murphy takes pains to point out in his daily press conferences, there are real people behind the COVID numbers and policies. The issue of discriminatory hospital policies came to DRNJ's attention at the end of March when a guardian called asking for help: her brother needed short term hospitalization and the hospital denied her request to accompany him during his hospitalization. This client has multiple disabilities including significant communication barriers, and needs his sister's support while in the ER and hospital to ensure effective and clear communication, and proper medical care. The Department's April 25th policy will now ensure that our client is able to exercise his civil rights, his sister will be allowed to accompany him to provide the necessary support.

Disability Rights New Jersey fully understands that the Department's policy must balance the rights of individuals with disabilities with the concern for safety of the heroic doctors, nurses and other hospital personnel charged with their care. We seek the Department's clarification in the following matters, several of which clients and their families raised with DRNJ:

Advocating and advancing the human, civil and legal rights of persons with disabilities

- Understanding that there are limited supplies of PPE, may individuals with disabilities supply their own PPE to their support persons, as long as it complies with hospital requirements (i.e. surgical mask)?
- DRNJ agrees that a support person must have extremely limited access to other areas of the hospital, but the support person may need to leave and re-enter the hospital under limited circumstances. Hospitals should be required to have reasonable policies regarding this issue.
- To ease the potential burden on the designated support person, especially in situations of prolonged hospitalization, all individuals with disabilities should be permitted to designate a second support person, even though only one can serve at any given time.

Once again, 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,

A handwritten signature in black ink, appearing to read "Gwen Orlowski". The signature is fluid and cursive, with a large initial "G" and "O".

Gwen Orlowski
Executive Director