

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.<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup> 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

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<sup>1</sup> 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.

<sup>2</sup> 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>.

<sup>3</sup> 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.”<sup>4</sup> 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.<sup>5</sup> 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.<sup>6</sup> The race to get materials available online can lead to additional accessibility problems for people who are blind or visually impaired.<sup>7</sup> Inflexible hospital visitation policies mean that interpreters and support persons are barred or face complex barriers and risks to serve patient needs.<sup>8,9,10,11,12,13</sup> Telehealth systems are not set up to fully accommodate a diverse array of patient needs, leading to poor quality or no accessible communications options.<sup>14</sup> Media outlets have reported that a lack of sufficient communications policies or resources have directly been tied to spread of the virus.<sup>15,16</sup>

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

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<sup>4</sup> "National Response Framework, Fourth Edition" (October 28, 2019). Available at: [https://www.fema.gov/media-library-data/1582825590194-2f000855d442fc3c9f18547d1468990d/NRF\\_FINALApproved\\_508\\_2011028v1040.pdf](https://www.fema.gov/media-library-data/1582825590194-2f000855d442fc3c9f18547d1468990d/NRF_FINALApproved_508_2011028v1040.pdf).

<sup>5</sup> "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>.

<sup>6</sup> 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>.

<sup>7</sup> 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>.

<sup>8</sup> Interpreters to include ASL interpreters.

<sup>9</sup> 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>.

<sup>10</sup> 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-covid19-patients-who-dont-speak-english-alone-confused-and-without-proper-care>.

<sup>11</sup> 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>.

<sup>12</sup> "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?cType=EmailBlastContent&eId=59c02a10-bc2b-4993-916b-d45759d27936>.

<sup>13</sup> "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>.

<sup>14</sup> 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>.

<sup>15</sup> 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>.

<sup>16</sup> 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 Plan<sup>17</sup>, 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

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<sup>17</sup> “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.