

Hon. Adrian Dix, Minister of Health
Room 337 Parliament Buildings
Victoria BC V8V 1X4
HLTH.Minister@gov.bc.ca

April 8, 2020

Dear Minister Dix:

RE: COVID-19 Triage Protocol

We are writing on behalf of Disability Alliance BC (DABC) to express our concern about the triage protocol that we understand the provincial government has developed or is in the process of developing. We understand the triage protocol would take effect in the event of a surge of COVID-19 cases, and that if a surge results in a shortage of resources, especially intensive care beds, the protocol may result in some people being excluded from receiving potentially life-saving care. We are aware of the government's Ethical Decision-Making Framework for COVID-19,¹ but it does not provide any detail about who may be excluded from care if there is a surge of COVID-19 cases.

We understand these are unprecedented circumstances, and it may be necessary to ration resources if the healthcare system becomes overwhelmed; however, we are very concerned that a triage protocol may result in people being denied care based on their disabilities. We believe that any triage protocol must respect the human rights of all persons, including people with disabilities. Although we are in an emergency situation, the pandemic crisis cannot justify discrimination.

We share the concerns articulated by ARCH Disability Law Centre in its open letter to the Ontario government about Ontario Health's Clinical Triage Protocol for Major Surge in COVID Pandemic. ARCH's letter has been signed by over two hundred disability organizations (including DABC) and thousands of individuals, and can be seen here: <https://archdisabilitylaw.ca/wp-content/uploads/2020/04/April-8-2020-Open-Letter-Ontarios-COVID-19-Triage-Protocol-PDF.pdf>. We trust the government of British Columbia will be responsive to the concerns articulated in ARCH's letter, and will not simply replicate Ontario's protocol.

If the government of British Columbia has already developed its triage protocol, we respectfully request a copy of the protocol. If the triage protocol is still in development, we urge the government to consider the following:

¹ https://www2.gov.bc.ca/assets/gov/health/about-bc-s-health-care-system/office-of-the-provincial-health-officer/covid-19/ethics_framework_for_covid_march_28_2020.pdf

- In developing the triage protocol, the government must consult with human rights experts and the marginalized communities who have been disproportionately impacted by the pandemic crisis.
- People with disabilities must not be deprioritized for critical care based on their disabilities, or on the supports they receive for daily living
 - Decisions about who receives critical care should be made using objective clinical criteria directly associated with mortality risks of COVID-19, and must not be based on stereotypes or assumptions about a person's disability, and longer term mortality rates that are not directly related to COVID-19.
 - Some people with disabilities need accommodation and assistance. The fact that a person requires such support should not be a factor in decisions about whether they should receive critical care. These kinds of criteria are discriminatory and devalue the lives of people with disabilities
- The protocol must clearly state that clinical judgment must not be informed by bias, stereotypes, or ableism, and must ensure that people with disabilities receive necessary disability-related accommodations.
 - Accommodations, such as interpretation, support or other assistance to access medical services, are a basic tenet of human rights law. Disability-related accommodations ensure that people with disabilities have equal opportunity to receive, understand, and benefit from critical care.

We trust you will find this information useful. We would be happy to answer any questions you may have, or to speak to the Minister of Health or his representatives about the triage issue.

Sincerely,

Andrew Robb
Staff Lawyer

Erin Pritchard
Executive Director: Policy & Programs

- c. Premier John Horgan
Dr. Bonnie Henry, Provincial Health Officer
Dr. Daniele Behn Smith, Deputy Provincial Health Officer
Stephen Brown, Deputy Minister of Health
Kasari Govender, Human Rights Commissioner of BC