



of Wisconsin Disability Organizations

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Nearly 40 Wisconsin & National Disability and Aging Advocates File Amicus Brief Explaining Heightened COVID-19 Risks to People with Disabilities and Older Adults

A coalition of more than 30 state and national disability and aging advocates have filed an amicus brief with the Wisconsin Supreme Court in response to the petition challenging Wisconsin's Safer At Home order extension.

The brief outlines how lifting a Safer At Home order prematurely could have life-threatening consequences and cause irreparable harm for people with disabilities and older adults who already face a high risk of complications and death if they are exposed to the virus, and would face an even greater risk with the lifting of the order.

"This disease is merciless," said Michelle Pike, former Ozaukee County Aging and Disability Resource Center Director and family member. "I lost both my elderly parents to COVID-19 within six hours of each other April 18th. We could not be there with them at the end. How many more families will go through this if the virus is not under control?"

COVID-19 is particularly dangerous to people with disabilities, older adults, and people with chronic conditions. In Wisconsin 36.5% of adults (1,612,619 people) are at high risk of serious illness if infected by COVID-19. Of the over 950,000 Wisconsinites age 65 and older, nearly 60% are at higher risk of serious illness if infected by COVID-10.

"This coronavirus is proving to be dangerous for older adults, especially those with pre-existing conditions like diabetes, heart disease, and lung disease," according to Janet Zander, Advocacy and Public Policy Coordinator with the Greater Wisconsin Agency on Aging Resources. "While nearly 5% of all Wisconsinites diagnosed with COVID-19 have died, adults age 60 and older represent 86% of all those who have died."

Many people with disabilities and older adults rely on caregivers—including direct support professionals, personal care assistants, home health aides, and others—for daily care. For these workers and their clients, social distancing is impossible when performing needed tasks like bathing, dressing, getting into and out of beds and wheelchairs, and prevention of serious conditions—like pressure sores and obstructed bowels—that can lead to hospitalization.

The state already has a Personal Protective Equipment (PPE) shortage; this would worsen if the order is lifted and prompts increased spread of the virus, causing greater exposure for people with disabilities, older adults, and the staff who support them.



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“I’ve worked hard to find trusted workers who come into my home every day,” said Matt Ford, member of the Wisconsin Workforce Alliance. “They are dedicated to their jobs and the people who need them. We can’t afford to have workers getting sick. And we can’t afford to get sick from workers who are unknowingly spreading the virus as they travel from client home to client home.”

COVID-19 risk is higher for people living in congregate facilities, including nursing homes, group homes, intermediate care facilities, psychiatric facilities, and board and care homes.

“We’ve seen infections and deaths skyrocket in institutional settings throughout the nation. And when workers become infected, they expose their families and communities again,” said Lisa Pugh, Executive Director of The Arc Wisconsin.

A rise in COVID-19 infections can quickly outpace the equipment and staff available to treat patients, especially in rural areas. Actions like Safer At Home are intended to prevent scenarios where the number of people who need care exceeds the capacity to provide it and medical rationing occurs.

“Once people with disabilities are hospitalized with COVID-19, they are at heightened risk of being denied medical treatment,” said Kit Kerschensteiner, Survival Coalition Co-Chair and Director of Legal and Advocacy Services for Disability Rights Wisconsin. Kerschensteiner is Counsel of Record on the amicus brief. “40% of respondents to Survival Coalition’s recent statewide COVID-19 survey are concerned they may be denied treatment—including ventilators—because of age or disability if they become infected with COVID-19.”

“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,” said Shira Wakschlag, Associate General Counsel for The Arc of the United States.

The Arc of the United States in coordination with The Arc Wisconsin and Disability Rights Wisconsin led the drafting of the brief with the support of both state and national groups.

Link to amicus brief: <http://www.survivalcoalitionwi.org/wp-content/uploads/2020/04/FINAL-Amicus-Brief-Wisconsin-Legislature-v-Andrea-Palm.pdf>

Link to data and stats on people with disabilities and older adults:

http://www.survivalcoalitionwi.org/wp-content/uploads/2020/04/SurvivalCoalition_PressPacket_AmicusBrief_043020_Final.pdf