



State of Wisconsin
Department of Health Services

Tony Evers, Governor
Andrea Palm, Secretary

April 11, 2020

By Electronic Mail Only

Dr. Azita Hamedani
State Disaster Medical Advisory Committee
agh@medicine.wisc.edu
UW Hospitals and Clinics
600 Highland Avenue
Madison, WI 53792

Dear Dr. Hamedani:

I am writing in response to a letter the Survival Coalition of Wisconsin Disability Organizations sent on Thursday to the State Disaster Medical Advisory Committee (SDMAC). The Coalition raised several concerns about the work being done on ventilator allocation. It also provided several suggestions. The concerns and suggestions included:

- (1) It expressed concern about any use of “quality of life” as a criterion to determine the allocation of ventilators. This criterion has been used in the past to discriminate against persons with disabilities and other historically marginalized groups.
- (2) It asked for greater transparency and the opportunity for public comment on any potential guidelines developed by the SDMAC or one of its workgroups.
- (3) It asked that someone with expertise in the treatment of patients with intellectual and developmental disabilities (I/DD) be appointed to the SDMAC.

Because you are still in preliminary discussions about possible guidelines, it is important that you take steps now to address these concerns and suggestions. Therefore, the following actions will be taken to ensure a robust, transparent discussion about possible guidelines.

First, I will be appointing to the SDMAC at least one person with expertise in treating patients with I/DD. It is important that this appointment occurs before any further action is taken by SDMAC on the allocation of ventilators.

Second, it is important that Wisconsin does not “reinvent the wheel” when developing these guidelines. There are at least 12 states that have already adopted or recommended guidelines. The lessons learned from these states – such as litigation by disability rights groups against the State of Washington – will help inform and guide the conversation in Wisconsin. Once the new member(s) is appointed, I would like SDMAC to review and analyze the guidelines used by other states and identify options that would be feasible for Wisconsin.

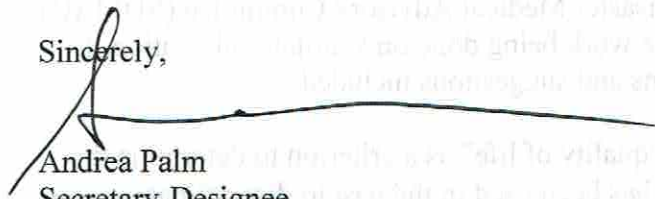
Third, SDMAC must develop and use a stakeholder engagement process before it reviews or adopts any possible guidelines. Due to the importance of this conversation, it is important this comment period is supplemented by outreach to a broad range of individuals and communities, and that the groups have sufficient time to provide thoughtful input. This outreach includes, but is not limited to, persons with disabilities and other traditionally marginalized groups.

Fourth, in order to conduct the above actions in compliance with the Open Meetings Law, any of the above actions must be taken by the Committee as a whole or by an official subcommittee approved by the SDMAC in an open meeting. In addition, SDMAC meeting materials should be made available to the public at the same time the Open Meetings Notice is posted. DHS legal counsel will assist the SDMAC with this process.

Finally, although I know the committee shares this value, I want to be very clear that the State will not approve, recommend, or support any guidelines that – either implicitly or explicitly – discriminate against persons with disabilities or other historically marginalized groups. This needs to be a guiding principle when analyzing any possible guidelines.

I thank you and the committee members for their time and effort on this important topic. I believe that the State of Wisconsin will have a more robust and collaborative conversation by implementing the above actions.

Sincerely,



Andrea Palm
Secretary-Designee
Department of Health Services

- C: Jeanne Ayers
- Jon Meiman
- Ryan Westergaard