



VIA EMAIL: wayne.turnage@dc.gov; melisa.byrd@dc.gov; laquandra.nesbitt@dc.gov

January 26, 2021

Deputy Mayor Wayne Turnage
District of Columbia Office of the Mayor
1350 Pennsylvania Avenue NW
Washington, DC 20004

Melisa Byrd, Senior Deputy Director
DC Department of Health Care Finance
441 Fourth St. NW, Suite 900S
Washington, DC 20001

Dr. LaQuandra Nesbitt, Health Director
DC Health
899 North Capitol Street, NE
Washington, DC 20002

Re: COVID-19 Vaccine Distribution Plan Implementation

Dear Deputy Mayor Turnage, Ms. Byrd, and Dr. Nesbitt:

As you know, Disability Rights DC at University Legal Services (DRDC) is the designated protection and advocacy program for the District of Columbia that represents DC residents with disabilities. Although the COVID-19 vaccine provides hope for so many vulnerable District residents with disabilities and the staff that serve them, we understand the District faces considerable challenges because the demand for the vaccine significantly exceeds the supply.

We appreciate your efforts to facilitate the COVID-19 vaccine distribution for the approximately 98,000 Department of Health Care Finance (DHCF) beneficiaries in phases 1-A, 1-B, and 1-C populations, which include long-term care facility staff and residents, home health providers, individuals 65 years and older, and a broad group of adults 16-64 with high-risk conditions and co-morbidities.¹ DRDC is encouraged that these phases of the District's current

¹ DC Health, "Vaccination Program Phases With Tiers", Jan. 11, 2021, https://coronavirus.dc.gov/sites/default/files/dc/sites/coronavirus/page_content/attachments/Vaccination-Program-Phases-with-Tiers.pdf; DHCF, Presentation to the Medical Care Advisory Committee, Dec. 16, 2020, https://dhcf.dc.gov/sites/default/files/dc/sites/dhcf/page_content/attachments/Medicaid%20Director%27s%20MCA

vaccination plan include these populations, which should also allow many people with disabilities in natural homes to request appointments to get vaccines. However, the current appointment request process, which is on a first-come, first-served track, does not ensure equitable distribution of the vaccine to the disability community in the District, who are disproportionately at risk of severe effects or death from COVID-19.²

The District recently responded to DC leaders' serious concerns that the coronavirus vaccine access is not reaching majority-Black wards, particularly Wards 5, 7, and 8 by setting aside vaccine appointments for residents who are 65 years of age and older and/or health care workers and who live in priority zip codes covering most of Wards 1, 4, 5, 7, and 8.³ As DC Health acknowledges, even with this set aside, vaccine appointments are filling up very quickly.⁴ DC residents are also encountering technical glitches via the online portal and long hold times on the coronavirus call center, preventing them from scheduling appointments.⁵ What is more, the District's plan to open up vaccine access, as early as February, to hundreds of thousands of DC residents who are overweight (BMI over 25), habitual smokers, and/or have other preexisting conditions will further exacerbate the logistical as well as supply and demand challenges.⁶ Accordingly, we request that the District and DHCF take the following steps to support vaccine access to District residents with disabilities in the following ways:

- Because the District does not intend to entirely vaccinate one priority group before moving on to the next priority group, DHCF should ensure, in partnership with DC Health, that the Walgreens and CVS pharmacies offering on-site COVID-19 vaccination services for nursing facilities and assisted living facilities set aside enough doses for staff and residents at these facilities;
- DHCF should ensure, in partnership with DC Health, that the Walgreens and CVS pharmacies publicly report immunizations of nursing facility residents and staff and assisted living residents and staff through DC Health's new Immunization Information System;
- DHCF, in partnership with the Department of Aging and Community Living, should prioritize communication, outreach, and assistance with registration and making vaccine appointments as necessary to EPD Waiver beneficiaries, State Plan Personal Care Assistance (PCA) beneficiaries, and those Medicaid long-term care beneficiaries who otherwise receive home health services from paid (Services My Way) or unpaid caregivers;

[C%20Report%2012.16.20%20.pdf](#); "Chronic Conditions Included in the D.C. Coronavirus Vaccination Plan", The Washington Post, Jan. 21, 2021, https://www.washingtonpost.com/local/dc-politics/list-chronic-conditions-dc-vaccine/2021/01/20/c83cbb92-5b87-11eb-8bcf-3877871c819d_story.html.

² The Centers for Disease Control, "COVID-19: People with Disabilities", last updated Jan. 20, 2021, <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-disabilities.html>.

³ "D.C. Leaders Spar Over Coronavirus Vaccine Access for Poorer Residents", The Washington Post, Jan. 13, 2021, https://www.washingtonpost.com/local/coronavirus-vaccine-virginia-maryland-dc/2021/01/13/96ac06fa-559c-11eb-a08b-f1381ef3d207_story.html; "D.C.'s Vaccination Plans, a Month In", Washington City Paper, Jan. 20, 2021, <https://washingtoncitypaper.com/article/506260/dr-ankoor-shah-discusses-d-c-s-vaccine-rollout/>.

⁴ "D.C.'s Vaccination Plans, a Month In", Washington City Paper, Jan. 20, 2021, <https://washingtoncitypaper.com/article/506260/dr-ankoor-shah-discusses-d-c-s-vaccine-rollout/>.

⁵ "First of Vaccinations for DC Residents Over 65 Beset with Technical Snags", DCist, Jan. 12, 2021, <https://dcist.com/story/21/01/12/dc-coronavirus-vaccine-portal-seniors-technical-website/>.

⁶ "All Overweight DC Residents Will Get Priority for the Coronavirus Vaccine. Experts are Skeptical.", The Washington Post, Jan. 21, 2021, https://www.washingtonpost.com/local/dc-politics/dc-vaccine-overweight-smokers/2021/01/20/bd6cb53c-5a74-11eb-a976-bad6431e03e2_story.html.

- DHCF should issue guidance to its long-term care provider network and Medicaid EPD Waiver and State Plan PCA beneficiaries to provide specificity on who is included among adults 16-64 with high-risk conditions;
- DHCF should issue a long-term care provider bulletin or other directive, requiring home health agencies and EPD waiver case managers to provide education, outreach, and assistance with registration and making vaccine appointments as needed to EPD Waiver beneficiaries and State Plan PCA beneficiaries to facilitate their access to the vaccine;
- DHCF should ensure that both the information and education about the administration of the vaccine are accessible to Medicaid long-term care beneficiaries and in plain language and alternate formats;
- DHCF should ensure equitable access to vaccines for Medicaid long-term care beneficiaries who cannot leave their homes, including allowance for contracted nurses to vaccinate individuals who cannot leave their homes and require the provision of other reasonable accommodations to people with disabilities to facilitate access.

The above protections for these at-risk, disability populations are particularly important because the District’s current plan does not consider the different challenges individuals with disabilities may face when attempting to access the vaccine or receive the necessary information to make an informed decision about whether to obtain a vaccination. Indeed, many individuals with disabilities are unable to leave their homes for various reasons, such as age-related disabilities, physical disabilities, and psychiatric disabilities. Moreover, people with communication-related disabilities cannot have equal access to the vaccine and provide informed consent without reasonable accommodations for their disabilities. Digital appointment requests are often not accessible to people with disabilities and lack of access disproportionately affects DC residents in Wards 5, 7, and 8.⁷ COVID-19 exacerbates this problem because digital access is essential to getting information about how to sign-up for the vaccine for people with disabilities who remain isolated in their homes or are unhoused. Additionally, many District residents with disabilities have complex needs and health conditions that may create understandable hesitancy about taking the vaccine. These barriers further support the need for robust outreach, education, and assistance with requesting appointments.

We urge DHCF to partner with DC Health and other sister agencies to take immediate action to address these issues. Please respond to this letter by February 2, 2021 describing how the District and DHCF will implement its COVID-19 vaccination plan for long-term care Medicaid beneficiaries in long-term care facilities, natural homes, other home-community based settings. We also ask that you respond to the following questions:

1. How is DHCF and its long-term care providers addressing the recommendations outlined in this letter, including:
 - a. What specific steps is DHCF taking to ensure Medicaid long-term care beneficiaries have access to information about COVID-19 vaccines and to successful appointment assignments at accessible vaccination sites, including affordable, accessible transportation?

⁷ According to Connect.dc’s digital inclusion initiative:

- Approximately 25% of District households do not have broadband internet service
- The average home broadband adoption rate of Wards 1, 2, 3, 4, and 6 is 85%
- The average rate in Wards 5, 7, and 8 is less than 65%
- District broadband adoption rates are correlated with income, education, age, and *disability status*.

Available at <https://connect.dc.gov/page/fact-sheet>.

- b. What is DHCF's role in helping overcome vaccine hesitancy in the long-term care provider and disability community?
 - c. What is the role of EPD Waiver case management and home health agencies (HHA) regarding communication and outreach about the vaccine to beneficiaries?
 - d. What specific steps are EPD Waiver case management and HHAs taking to provide information about the vaccine to its beneficiaries, what specific information are these agencies providing, and in what format(s)?
2. How many nursing facilities' staff and residents and assisted living facilities' staff and residents received their first dose of the vaccine to date? How many nursing facilities' staff and residents and assisted living facilities' staff and residents received their second dose of the vaccine to date?
 3. When does DHCF expect nursing facility staff and residents and assisted living staff and residents to be fully vaccinated?
 4. What percentage of nursing facility staff and residents and assisted living staff and residents have been vaccinated, including those that have received their first dose, to date?
 5. How is the District, in coordination with Governor Hogan and Governor Northam, ensuring that DC Medicaid beneficiaries residing in Maryland and Virginia nursing facilities will be vaccinated and when?
 6. How is DHCF partnering with DC Medicaid-funded nursing facilities and assisted living facilities regarding implementation of vaccine distribution?
 7. When does DHCF expect EPD Waiver and PCA State Plan beneficiaries to be fully vaccinated?
 8. How many HHA staff and EPD Waiver case management agency staff have received their first dose of the vaccine to date? How many HHA staff and EPD Waiver case management agency staff have received their second dose to date?
 9. What percentage of HHA staff and EPD Waiver case management agency staff have been vaccinated, including those that have received their first dose, to date?
 10. Are any HHAs requiring mandatory staff vaccinations? If so, which HHAs?

We acknowledge that this is a difficult and unprecedented time and appreciate your attention to this exigent issue.

Sincerely,



Lyndsay Niles
Managing Attorney

cc: Ieisha Gray, Director of Long Term Care Administration (ieisha.gray@dc.gov)