



State of Louisiana

Louisiana Department of Health
Office of the Secretary

LDH GUIDANCE

FROM: Mark A. Thomas, Deputy Secretary *Mark A. Thomas*
Julie Foster Hagan, OCDD Assistant Secretary
Julie Foster Hagan

DATE: April 16, 2020

RE: Guidance on the Provision of Health Care Services
in a Non-Discriminatory Manner During the COVID-
19 Event

This notice serves as another reminder to all healthcare professionals and facilities in the State of Louisiana of their duty to provide healthcare services in a non-discriminatory manner during the COVID-19 emergency, pursuant to federal law. On April 5, 2020, the Louisiana Department of Health (LDH) directed healthcare providers and facilities to recent guidance about their obligations under federal law from the Office for Civil Rights at United States Department of Health & Human Services Office (HHS).¹

LDH clarifies that the guidance² from the HHS Office supersedes any previous guidance issued by LDH to healthcare providers on this issue. In accordance with HHS's guidance:

- Decisions by covered entities concerning whether an individual is a candidate for treatment should be based on an individualized assessment of the patient based on the best available objective medical evidence, and not based on generalized assumptions about a person's disability.

¹ *Guidance on the Provision of Health Care Services in a Non-Discriminatory manner During the COVID-19 Event*, LDH (Apr. 5, 2020), <http://ldh.la.gov/assets/medicaid/COVID-19/LDH.GuidanceMemo4.5.20.pdf>.

² *Bulletin: Civil Rights, HIPAA, and the Coronavirus Disease 2019 (COVID-19)*, HHS (Mar. 28, 2020), <https://www.hhs.gov/sites/default/files/ocr-bulletin-3-28-20.pdf>.

- Persons with disabilities should not be denied medical care on the basis of stereotypes, assessments of quality of life, or judgments about a person's relative "worth" based on the presence or absence of disabilities or age. Decisions by covered entities concerning whether an individual is a candidate for treatment should be based on an individualized assessment of the patient based on the best available objective medical evidence.

The Louisiana Department of Health again provides the following link to the HHS Office of Civil Rights Memo of March 28, 2020:

<https://www.hhs.gov/sites/default/files/ocr-bulletin-3-28-20.pdf>.