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SBC ethicists applaud guide to protect disabled, elderly

by Tom Strode, posted Thursday, April 02, 2020 (25 days ago)

WASHINGTON (BP) -- Southern Baptist ethicists Russell Moore and C. Ben Mitchell expressed gratitude at the federal government's warning against unlawful discrimination in care for the disabled and other vulnerable patients during the coronavirus (COVID-19) pandemic.

A division of the Department of Health and Human Services (HHS) issued a bulletin March 28 to remind entities covered by civil rights laws of their responsibility to abide by federal bans on discrimination on the basis of disability, age and other categories during the current health crisis.

In the bulletin, the HHS Office for Civil Rights (OCR) said, "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 and his or her circumstances, based on the best available objective medical evidence."

The OCR's reminder came at a time when some hospitals in the United States are working on protocols for rationed care, according to a March 28 report in *The Atlantic*.

Moore, president of the Ethics & Religious Liberty Commission, said, "Even in a time of emergency, every human life is worth living. The temptation, in a time like this, is for some to seek to discriminate in health care against the elderly or those with disabilities. Such devaluing of human life is wrong."

He is thankful the OCR guidance "stands against such discrimination and for the dignity of every life," Moore said in written comments. "Our country has tremendous challenges ahead. We can meet them while still affirming the dignity of every human life, including the most vulnerable among us."

C. Ben Mitchell -- Graves chair of moral philosophy at Union University in Jackson, Tenn., and editor of the international journal *Ethics & Medicine* -- expressed gratitude for the HHS bulletin "because I know that there will be a temptation to withhold treatment from both the aged and the disabled.

"It's not because health care professions are uncaring, but because this is a wartime context and the need to triage is real in some hospitals and will expand to others," he said in written remarks. "Any reminder not to discriminate based on anything other than medical criteria is welcome."

The coronavirus could kill from 100,000 to 240,000 Americans, federal public health officials estimated March 31. So far, more than 226,000 confirmed cases and 5,316 deaths have been reported, according to the Johns Hopkins Coronavirus Resource Center as of 12:27 p.m. (EDT) Thursday (April 2). The growing spread of the virus threatens to overwhelm some hospitals and exhaust medical supplies, including ventilators.

OCR Director Roger Severino said in the March 28 bulletin, "Persons with disabilities, with limited English skills, and older persons should not be put at the end of the line for health care during emergencies.

"Our civil rights laws protect the equal dignity of every human life from ruthless utilitarianism," he said. "HHS is committed to leaving no one behind during an emergency, and helping health care providers meet that goal."

In its guidance, the OCR reminded health-care providers and government leaders to communicate effectively with people who have vision, hearing or speech disabilities, to offer helpful access to information for individuals who have restricted skills in English and to honor appeals for religious accommodations.

National Right to Life (NRLC), a leading pro-life organization, recently wrote President Trump and other administration officials to express their concerns based on health-care rationing in other countries affected by the coronavirus and possible plans to withhold care in this country. Hospitals in Italy, which has been hit hard by the coronavirus, have prioritized "younger, healthier patients for ventilators over older, sicker adults," *The New York Times* reported April 1.



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"It is vital that during this crisis, Americans can trust that they will receive the care they need without regard to their age, health, or ability," NRLC Legislative Director Jennifer Popik said in a written statement.

Tom Strode is Washington bureau chief for Baptist Press.