



Center for Public Representation



December 22, 2020

Secretary Marylou Sudders  
Executive Office of Health and Human Services  
One Ashburton Place, 11th Floor  
Boston, MA 02108

by email and [COVID-19-Vaccine-Plan-MA@mass.gov](mailto:COVID-19-Vaccine-Plan-MA@mass.gov).

Re: MA Vaccine Prioritization and DDS Funded Congregate Day Settings

Dear Secretary Sudders:

We write as a broad coalition of families, individuals, organizations, providers and advocates to request a re-adjustment or clarification of the **vaccine priority for persons with intellectual or developmental disabilities receiving center-based services through MassHealth day habilitation programs, or Department of Developmental Disabilities (DDS) Community Based Day Supports (CBDS), and their respective staff.** We have also emailed these comments to [COVID-19-Vaccine-Plan-MA@mass.gov](mailto:COVID-19-Vaccine-Plan-MA@mass.gov).

As you know, over 10,000 persons receive day habilitation from MassHealth providers under our Medicaid state plan and a similar number receive CBDS from DDS providers through the Home and Community Based Services Waiver (HCBS). Many of these individuals also live in DDS-licensed community residences and will be vaccinated in Phase One, in the “24/7 congregate care” tier. However, as you know, many individuals with equal or more significant intellectual and developmental disabilities live in adult foster care, shared living or family home environments, and attend center-based day programs, which are staffed less than 24/7. Under the current scheme, these individuals would be vaccinated in Phase Two, if they had one or two comorbidities, and perhaps even in Phase Three, if they had no comorbidity. We write to ask that *all I/DD day congregate care settings be treated the same as residential congregate care programs*, for a number of reasons:

- While MassHealth and DDS are exploring alternatives to the present models, day hab is currently delivered mostly in congregate indoor facilities, in close quarters, with little

exposure to fresh air, especially in winter months. Some settings closed during the recent surge and others have closed intermittently due to infections among staff or participants.

- Day hab participants frequently have severe or profound intellectual disabilities, with co-occurring developmental disabilities affecting respiratory, pulmonary, cardiac, renal or lymphatic systems, and/or compromised immune function. As you know, people with I/DDs have a higher prevalence of underlying medical conditions that can increase the severity of COVID-19 outcomes.<sup>1</sup> DDS CBDS programs also may have individuals who have co-morbid conditions.

- Many people with intellectual or developmental disabilities cannot verbalize symptoms they may be experiencing. If sick with the virus, they may experience difficulty accessing effective medical care in hospitals because of these barriers, or because of inexperience of medical personnel in treating this population.

- Many day habilitation participants are unable to wear masks, socially distance, or maintain recommended hygiene practices, for disability-related reasons. We recognize that a significant percentage of CBDS participants also have difficulty with mask protocol and remembering to maintain hygiene practices to avoid infection.

- Both day habilitation staff and participants are at heightened risk, because activities of daily living are often taught in close proximity, including assistance with ambulation, tooth-brushing, bathing, dressing, toileting, helping with mask placement, etc. During any of these encounters, the virus will easily pass between an asymptomatic staff person and an individual served.

- Many of the CBDS participants require ongoing training if not assistance with hygiene-related tasks during the day and thus are in close proximity to their staff, placing both groups at risk.

- Day habilitation and CBDS programs rely upon van transportation in which individuals served are also in close proximity to staff.

- The current inability of many individuals to participate in day hab (because of health risks, inability to mask or distance, and/or lower program density requirements) has had a

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<sup>1</sup> See e.g., “Less Worthy Lives? We Must Prioritize People with Intellectual and Developmental Disabilities in COVID-19 Vaccine Allocation” (Syracuse University, December 2020) available at <https://lernercenter.syr.edu/2020/12/10/ib-42/>, and literature cited the December 2, 2020 letter from the Center for Public Representation, and others at p. 2, ft. 1. See also, AADMD December 9, 2020 amended Joint Position Statement, at <https://static1.squarespace.com/static/5cf7d27396d7760001307a44/t/5fd9690f9e3b1725e3d0d3e2/1608083731221/Covid19Vaccine-IDD-Statement.pdf>

series of cascading secondary effects on families and providers. Many families are unable to return to work because their loved one cannot be served in day hab and are therefore in financial jeopardy. Day hab providers have been forced to downsize, and are also in fiscal distress. Some programs have permanently closed, and more may follow.

Thank you for considering our concerns, and for all of your efforts to create an equitable prioritization system for the COVID-19 vaccines. We understand and regret that state officials are being asked to make very difficult and painful choices under emergency conditions.

Sincerely yours,

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