

The logo for Mental Health Advocacy Services features the text "MENTAL HEALTH ADVOCACY SERVICES" in a bold, sans-serif font. The text is arranged in three lines: "MENTAL HEALTH" on the top line, "ADVOCACY" in the middle, and "SERVICES" on the bottom. The text is white and set against a light blue background that has a subtle, stylized sunburst or starburst pattern behind it.

# MENTAL HEALTH ADVOCACY SERVICES

3255 WILSHIRE BLVD. SUITE 902  
LOS ANGELES, CA 90010  
PHONE: 213-389-2077 | FAX: 213-389-2595  
MHAS-LA.ORG

*A nonprofit organization protecting and advancing the legal rights of people with mental disabilities.*

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March 16, 2020

The Honorable Gavin Newsom  
Governor of California  
California State Capitol  
1303 10<sup>th</sup> Street, Suite 1173  
Sacramento, CA 95814

Dear Governor Newsom:

First, thank you and the many state agency and department leaders and staff for the massive efforts that you have undertaken to provide leadership and mobilize state resources to confront the COVID-19 pandemic.

I write to urge you to use your leadership and vision to take additional steps to protect the welfare of all Californians, but especially those with mental health disabilities, during this crisis. Mental Health Advocacy Services protects and advances the legal rights of people with mental disabilities. As you are aware, adults and children with mental disabilities are among those at the greatest risk in this crisis because so many are in institutions or incarcerated, homeless, or dependent on others for care. You have already taken important steps by giving broad new authority to the Director of the Department of Developmental Services to protect individuals with developmental disabilities threatened by the coronavirus, and in your Executive Order on Friday, directing the Department of Education to ensure that special education services will continue despite school closures.

Below, I outline 25 additional steps that we believe are necessary to protect Californians with mental health disabilities. Some are disability-specific but others are universal measures, such as moratoria on utility shutoffs, evictions, and Medi-Cal terminations. Although people with disabilities will be disproportionately affected by the loss of services and benefits during the pandemic, protecting everyone in this crisis is the best public policy. As you have recognized, California must ensure that all our citizens have access to a safe living situation, medical care and other resources to weather this crisis.

### **Public Benefit Programs**

1. **In-Home Supportive Services (IHSS).** Almost 600,000 people rely on IHSS. We request that you direct the Secretary of Health and Human Services to:
  - a. Ensure that IHSS recipients have assistance when their care providers are sick or must self-quarantine by (i) creating emergency registries for back-up services and contracting with nursing agencies to provide back-up home care

workers, (ii) allowing recipients to hire replacement providers without background checks, processing documents or verifying citizenship to eliminate any unnecessary delay, (iii) suspending overtime limits so that available home care workers can fill unmet needs;

- b. Immediately offer expanded online IHSS provider orientations and permit online provider enrollment to increase the available IHSS provider workforce.
  - c. Require county workers to immediately contact each IHSS recipient regarding their choices in developing a COVID-19 contingency plan for when their services and supports may be interrupted;
  - d. Providing funding to community organizations such as Independent Living Centers and developmental disability service providers to establish or expand expedited recruitment processes for emergency back-up assistance for all formal and informal, government and non-government supports and services to close COVID-19 gaps and keep people independent; and,
  - e. If public health and medical resources or volunteers are needed to fill extreme gaps in services to IHSS recipients, provide immediate training and technical assistance to these personnel on self-directed assistance, optimizing health, safety, dignity, and independence as imperatives for maintaining the civil rights of people with disabilities and older adults.
2. **Medi-Cal.** Direct the Secretary of Health and Human Services to:
- a. Halt all terminations and redeterminations of Medi-Cal eligibility because continued and expanded access to medical care is critical;
  - b. Request an expansion of California's Medicaid waivers or a disaster waiver under Section 1135 to cover additional Californians, including adults between 26 and 65 and undocumented people, and non-medical support services such as housing;
  - c. Ensure continuity and availability of services for children and adults who receive in-home nursing and other services and supports through HCBS waivers and California Children's Services; and,
  - d. For prescriptions, relax "refill-too-soon" rules, provide maximum extended day supplies, and ensure home or mail delivery.

3. **CalWorks and CalFresh.** Request permission from the federal government to suspend terminations and redeterminations, including all job search and work requirements.
4. Direct EDD to **extend Unemployment and Disability Insurance benefits** for additional weeks and suspend job search requirements; call on President Trump to declare a federal disaster and extend **Disaster Unemployment Assistance** to all those affected, as other states and members of congress have done.
5. **Department of Developmental Services (DDS).** Your office has already given the DDS Director additional powers, which she should use to require regional centers to:
  - a. Alert consumers that if schools close or IHSS is not available as a generic resource (because the caregiver is sick or the consumer is self-quarantined and the worker is afraid to come), that they will provide or fund back-up services such as respite, child care, CNAs, family member providers, etc.;
  - b. Remove barriers, including those in purchase of service policies, that prevent the approval of respite, personal care services, and childcare – for example, 30-hour monthly caps on respite; prohibitions on paying live-in family members or roommates as respite or personal care providers, etc.;
  - c. Ensure that developmental centers and Stabilization, Training, Assistance and Reintegration (STAR) homes adopt screening and precautions for COVID-19, including universal access to sanitizer for residents and increased and free video and telephonic visiting for all facilities that have suspended family visits; and,
  - d. Clarify operational protocols for day programs and regional funded therapy services that remain open and mitigation measures for those that close.
6. **Department of State Hospitals.** Direct the director to
  - a. Adopt improved screening and precautions in all state hospitals for COVID-19, including universal access to sanitizer for residents and increased and free video and telephonic visiting for all facilities that have suspended family visits; and
  - b. Release from state hospitals or place in the Conditional Release Program state hospital residents who are over age 60 or have disabilities and others at elevated risk, including by informing them of the means to request conditional release.

### Housing

7. Impose a **moratorium on evictions**, foreclosures and termination of housing subsidies, a suspension of existing eviction filings and proceedings (including a halt to writs of possession or execution), and other measures outlined in the letter to you and the Chief Justice from eight legislative leaders on March 13, 2020. We urge you not to limit this moratorium to those whose wages have been affected by the pandemic; our public health requires that no additional people lose housing, whatever the reason.
8. Direct every public utility to **halt all utility shut-offs** as PG&E has done, and also require them to restore services to all consumers who currently lack water, electric, gas or other essential services.
9. Call on local government to **halt all homeless encampment sweeps**, set up hygiene stations at every encampment, and increase cleaning without seizing the possessions that people need to isolate in place. Use the authority in your Executive Order to exercise the State's power to commandeer property to provide housing for homeless individuals who are at risk per CDC guidelines.
10. Call on local government to **end all ticketing, arrests and vehicle impoundments of people living in vehicles** for vehicle habitation and related parking violations.

### Education

11. Direct all schools and colleges to ensure that **online learning is accessible** to students with disabilities, including using captions, CART, and screen reader accessibility.

### Criminal Justice and Court Operations

12. Call on local government to **reduce county jail and juvenile hall populations** by suspending the pre-trial detention of people arrested for non-violent offenses and releasing early all those scheduled for release within the next 60 days
13. Call on CDCR and local government to adopt improved **screening and precautions in all state and county correctional facilities** for COVID-19, including universal access to sanitizer for detainees and increased and free video and telephonic visiting for all facilities that have suspended family visits.
14. Direct **CDCR and all county sheriffs to release or parole prisoners** and detainees who are over age 60 or have disabilities and others at elevated risk from jail, prison, and juvenile facilities, including by informing them of the means to request parole.

15. Request that **ICE and its California contractors release detainees** at elevated risk from immigration detention facilities.
16. Urge the Chief Justice to **modify state court procedures** to extend timelines, permit easy continuances, electronic signatures, expand telephonic appearances, drop off boxes and self-scanning for documents.

### **Planning Considerations**

17. Issue a directive to all medical care providers **prohibiting discrimination against people with disabilities** in offering COVID-19 treatment via rationing of care or treating the lives of people with disabilities, the elderly, and the poor as of less value than others, and prohibiting the unnecessary placement of people with disabilities in nursing facilities and other institutions.
18. **Access to Information.** Many individuals with disabilities require assistance with communications and special consideration in pandemic preparedness planning. Provide accessible forms of communication to individuals – such as telephone or text messaging, accessible webpages (large, high-contrast fonts, minimal color, and file formats that can be read by screen readers, and language considerations) for real-time updates of the State’s emergency guidelines and response.
19. Direct local government bodies and your own department heads to include people with disabilities and disability experts at all levels of government planning to address the needs of individuals with disabilities in the planning process.
20. Require administrators and service providers of congregate facilities to have policies and protocols in place for staffing and continuity of services to individuals at their facilities or provide for alternative means of care and placement. Where particular services and activities have been suspended due to public health concerns, such as in-person visitation, require such administrators and service providers to ensure reasonable modifications to enable remote alternatives, such as no-cost video and telephone visitation.
21. In moving to telehealth for patient visits, ensure equity by providing access to the appropriate equipment and training in the use of telehealth by the patient.
22. Create a state-level SWAT team to maximize communication with vulnerable populations that are at risk per CDC guidelines, learn about emerging problems, prioritize the most widespread and urgent concerns, and respond to them promptly and in a manner that saves lives and protects people's civil rights and dignity.

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Prioritize the direct support workforce and people with chronic conditions for access to COVID-19 testing.

23. Assure immigrants, whether documented or not, that they may access public services and testing without fear of immigration consequences.
24. Mobilize the California Office of State Volunteers as a resource, <https://californiavolunteers.ca.gov>.
25. Support the deployment of the National Guard and military personnel to expand hospital capacity by turning empty college dorms and other unused facilities into makeshift hospitals, as Governor Cuomo has recommended in his OpEd in the NY Times.

Thank you again for your continuing leadership and for considering the additional steps outlined above.

Sincerely,



Jenny Farrell, Esq.  
Executive Director  
Mental Health Advocacy Services