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FOR IMMEDIATE RELEASE

Lawsuit Filed Challenges New York State Department of Health Guidelines Allowing the Reallocation of Personal Ventilators

October 9, 2020: Albany, New York - Disability Rights New York (DRNY) & National Center for Law and Economic Justice (NCLEJ) filed a [class action lawsuit](#) on behalf of Not Dead Yet, NMD United, DRNY, and individual chronic ventilator users who reside in New York State.

The first of its kind lawsuit challenges the New York State Department of Health's Ventilator Allocation Guidelines. These Guidelines allow hospitals to reallocate the personal ventilators of chronic ventilator users who seek acute medical care in a hospital during a time of triage to others deemed more likely to survive based on a mechanical scoring system. New York State has the ability to change this reallocation policy, as several other states have recently, yet they refuse.

"These guidelines place daily ventilator users in the impossible position of risking reallocation of their life-sustaining equipment in order to obtain acute care during the course of a pandemic. We first brought these concerns to the attention of the State during the darkest days of the pandemic. Our requests to address the discriminatory application of these guidelines have been completely ignored. This pandemic emergency is not over and the State must address the issue now." - Timothy A. Clune, DRNY Exec. Director.

"No one should have to worry about their life-sustaining medical equipment being taken from them in a global pandemic, so we are asking the State to give our clients that assurance and the peace of mind they deserve," said Britney Wilson, staff attorney at the National Center for Law and Economic Justice.

"Those of us who know about this re-allocation policy are afraid to go to the hospital when the system is strained because, for those who are deemed less worthy of their ventilator, there could be a deadly surprise," said Diane Coleman, president and CEO of an organizational plaintiff and disability rights group Not Dead Yet.

"This insulting scoring system deems some disabled peoples' lives unworthy of treatment during a public health emergency – and reminds us of the systemic prejudice disabled New Yorkers face." - Emily Wolinsky, Board President and Executive Director of NMD United, plaintiff organization that serves people with neuromuscular disabilities.

[Read Full Complaint](#)



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DRNY is the designated independent non-profit Protection & Advocacy System empowered by Congress to investigate allegations of abuse and neglect and provide legal and non-legal advocacy services to people with disabilities in New York State. The Protection & Advocacy System was created by Congress as a direct result of the horrific conditions that were uncovered in the 1970's at New York's Willowbrook State School.

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