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April 24, 2020

Director Roger Severino  
Office for Civil Rights  
Department of Health and Human Services  
200 Independence Avenue, SW  
Washington, DC 20201

Dear Director Severino:

AARP, on behalf of our nearly 38 million members and all older Americans nationwide, applauds your continued efforts within the Department of Health and Human Services (HHS) to prevent discrimination on the basis of age or disability in access to healthcare during the COVID-19 pandemic.

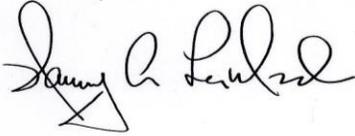
As our nation continues to battle this pandemic, we have learned the painful lesson over the last several months that the virus can strike anyone. Therefore, it is imperative that those entrusted with deciding who gets access to healthcare do not discriminate. Using age or disability status to categorically exclude people from accessing treatment violates existing federal law and we join you in strongly opposing such discrimination.

AARP appreciates your recent response to the State of Alabama directing it to abandon guidelines calling for blunt age and disability cutoffs for their Crisis Standards of Care. Understanding that a number of state Crisis Standards of Care are under review by OCR, we encourage a full examination of states that use unlawful criteria to ensure that age and disability will not be used in the allocation of health care services, testing and treatment interventions.

Those entrusted with making health care decisions at the federal, state, and local levels should be guided by current science and the prognosis and clinical needs of individual patients. It is essential for those decision makers to be open and transparent with how decisions are made, with particular attention paid to health disparities so that low-income and minority populations are not disproportionately harmed. There should also be an ongoing and transparent review process to verify whether there is adherence to crisis standards of care and to ensure that no group is disproportionately excluded from services or treatment based on any one particular non-clinical individual characteristic.

We once again thank you for your continued vigilance against discrimination, especially in these challenging times. Americans are stronger and more effective when we are working together, not creating harmful divisions. AARP stands ready to work with you and the Administration to ensure that we can protect all Americans and defeat this common enemy. Please do not hesitate to contact me or have your staff contact Brendan Rose on our Government Affairs team at 202-434-3770 or [brose@aarp.org](mailto:brose@aarp.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy A. LeMond". The signature is fluid and cursive, with a large initial "N" and "L".

Nancy A. LeMond  
Executive Vice President and  
Chief Advocacy and Engagement Officer