

## **ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT ALLIANCE NEWS RELEASE – FOR IMMEDIATE RELEASE**

### **We Publicly Post New Secret Ford Government Directions to Ontario Hospitals on How to Decide Who Lives and Who Dies if Life-Saving Critical Care Must Soon Be Triage – Serious Human Rights Dangers for Ontarians with Disabilities**

January 18, 2021 Toronto: The AODA Alliance has acquired, and here makes public, a copy of what appears to be the Ford Government's secret new January 13, 2021 triage protocol – which directs Ontario hospitals who is to be refused life-saving critical medical care they need, if hospitals must ration or triage critical care. The AODA Alliance today sent Ontario Health Minister Christine Elliott a detailed letter, set out below, asking if the Government disputes that this is the new triage protocol, and spelling out dire concerns with it from the perspective of patients with disabilities.

“People with disabilities have been disproportionately exposed to the risk of getting COVID-19, and of suffering its most serious impacts,” said David Lepofsky, Chair of the non-partisan [AODA Alliance](#), which campaigns for accessibility for 2.6 million Ontarians with disabilities. “Compounding this cruel reality, this secret document shows that some patients with disabilities now risk being de-prioritized in access to life-saving critical care that they will disproportionately need if Ontario hospitals, now near the breaking point, cannot provide life-saving critical medical care to all patients needing it.”

Concerns identified include these: the Government cannot direct which patients live or die by simply sending such a memo to hospitals. Any triage protocol must be mandated by valid legislation.

This January 13, 2021 Triage Protocol wrongly directs triage doctors in some situations to use the disability-discriminatory Clinical Frailty Scale (CFS). Also, the protocol's setting a patient's 12-month likely survival as the triage criterion further risks disability discrimination. Under the protocol, each triage doctor can end up being a law unto themselves. The protocol's references to respecting human rights do not eliminate serious concerns about its authorizing disability discrimination.

The January 13, 2021 triage protocol does not provide patients whose life is at stake with basic due process and procedural fairness. It is also unclear on whether it is ever directing doctors to withdraw ongoing critical care from a patient already receiving it to make room for another patient – a terrifying prospect.

“The Ford Government's handling of the critical care triage issue from the start has been plagued with harmful secrecy, evasiveness and a lack of candor,” said Lepofsky. “The Ford Government must now rescind and fix this discriminatory new triage protocol, and directly consult the public on this issue. It also needs to announce and implement a clear and effective strategy to prevent the need for life-saving critical care services to ever have to be rationed or triaged.”

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For more background on this issue, check out:

1. The new [January 13, 2021 triage protocol](#) which the AODA Alliance received, is now making public, and has asked the Ford Government to verify. We have only acquired this in PDF format, which lacks proper accessibility. We gather some others in the community now have this document as well.
2. The Government's earlier external advisory Bioethics Table's September 11, 2020 [draft critical care triage protocol](#), finally revealed last month.
3. The AODA Alliance website's [health care page](#), detailing its efforts to tear down barriers in the health care system facing patients with disabilities, and our [COVID-19 page](#), detailing our efforts to address the needs of people with disabilities during the COVID-19 crisis.
4. Panel on the Ontario critical care triage issue on the [January 13, 2021 edition of The Agenda with Steve Paikin](#).