



Guidance Affirming Non-Discrimination in Medical Treatment, Including Administration of the COVID-19 Vaccine

January 6, 2021

This guidance is to affirm and supplement the State of Illinois' April 10, 2020 [Guidance Relating to Non-Discrimination in Medical Treatment for Novel Coronavirus 2019 \(COVID-19\)](#). Federal and State civil rights laws, including the Illinois Human Rights Act, prohibit discrimination in the delivery of healthcare and support the rendering of ethical, non-discriminatory decisions. These principles have equal and ever-important application in the context of administering the COVID-19 vaccine.

The Centers for Disease Control and Prevention (CDC) Advisory Committee on Immunization Practices (ACIP) has set out phased priorities in distribution of the vaccine based on (i) risk of acquiring infection, (ii) risk of severe disease, (iii) risk of negative social impact, and (iv) risk of infecting others. The Illinois Department of Public Health (IDPH) is charged with evaluating, modifying (as applicable), implementing, and making these phased priorities operational in Illinois. Within this phased rubric, the State, local health departments, and providers must communicate about and administer the vaccine in an ethical, non-discriminatory, fair, and equitable manner.

Within each of the phased priorities, certain communities are at risk of experiencing discrimination, biased decision-making, and inequitable access to vaccination. Such communities include those addressed in this guidance – people with disabilities, people of color, people with limited English proficiency, and immigrants – as well as others, such as the LGBTQ+ community. Individuals may fall within more than one marginalized community, resulting in potentially heightened barriers to healthcare.

The following is a non-exhaustive list of steps that the healthcare community should take to prevent discrimination and ensure that marginalized communities have access to and meaningful participation in the COVID-19 vaccination program. These steps should be considered for all marginalized communities, not just one in particular.

People with Disabilities:

- Ensuring clear, effective communication, including availability of interpreter services, that is accessible and meets the requirements of the Americans with Disabilities Act, and other accessibility laws, and ensuring that support persons, family members, and/or guardians are present or available virtually to support individuals with informed decision making.
- Providing vaccination education and outreach while recognizing the right to self-determination, particularly for people with disabilities, in medical care, including vaccination.
- Considering and providing reasonable accommodations to address potential access barriers to COVID-19 vaccination, such as lack of accessible equipment, inability to read public information or signage, and inability to access vaccination locations.

- Conducting individualized assessments and avoiding discriminatory judgments about “quality of life” relating to a person’s underlying disability.

People of Color:

- Acknowledging and addressing through transparency and communication, the historical mistrust that many communities of color have of government-led medical interventions, the historical and current disparities in healthcare, and other barriers to participation in the COVID-19 vaccination program.
- Using a range of communication methods to reach a broader audience, including partnering with formal and informal community leaders such as elected officials, religious leaders, community-based organizations, and service providers that have credibility in communities of color.
- Increasing accessibility to vaccination services by establishing service locations within the communities significantly impacted by COVID-19.

People with Limited English Proficiency and Immigrant Communities:

- Ensuring communities understand that participation in the vaccination program is not contingent upon immigration status and that participants will not be asked their immigration status or required to provide particular identification documents as part of the vaccination process.
- Ensuring clear, effective communication by translating documents, including consent forms; providing signage in multiple languages; and making interpreters available.
- Considering and addressing potential access barriers to COVID-19 vaccination such as lack of identification documents.

Providers should ensure they provide materials about the vaccine in an accessible manner to support informed decision-making. This includes providing the FDA fact sheet about the vaccine being administered in a language accessible to the recipient. The FDA fact sheet explains the known and potential benefits and risks of the vaccine and that the individual has the option to accept or refuse the vaccine. Translations of the **FDA’s Fact Sheet for Recipients and Caregivers** for each vaccine approved for Emergency Use Authorization are available on the FDA’s [website](#) in multiple languages.

It is also crucial that healthcare providers increase accessibility to vaccination services by offering services during a range of days (including weekends) and hours of operation beyond 9 a.m. to 5 p.m. and ensuring vaccination locations are accessible by public transportation. And for individuals who are financially insecure – who can be members of any of the groups above, and many others – it is important to remove any perceived financial barriers to vaccination and to communicate that receiving the vaccine is not contingent upon insurance, financial status, or ability to pay. [Federal regulations](#) require most insurance plans to cover the cost of COVID-19 vaccination without cost-sharing.

The State, local health departments, and healthcare providers are encouraged to continuously reassess their efforts to meet their obligations to communicate about and administer the vaccine in an ethical, non-discriminatory, fair, and equitable manner. This includes removing barriers to inclusivity and ensuring that information, supports, and services are accessible to all. Ensuring full access to and participation in the COVID-19 vaccination process for as many Illinois residents as possible is an essential first step toward ending the pandemic.