



Statement on Pre-existing Conditions and COVID-19

GO2 Foundation for Lung Cancer is actively working with value-based coalitions to address the concerns of discrimination in access to treatment to make sure that our lung cancer community is not disadvantaged during the COVID-19 crisis.

The Americans with Disabilities Act: Section 504 of the Rehabilitation Act and Section 1557 of the Affordable Care Act **provides protection from healthcare discrimination.**

- Because of concerns about pre-existing conditions and disability discrimination in access to treatment has been a major concern during the COVID-19 crisis, the Department of Health and Human Services' (HHS) Office of Civil Rights (OCR) issued [guidance](#) to covered healthcare entities (anyone that accepts federal funding) on protecting individual civil rights and privacy during the COVID-19 emergency.
- The guidance states that “persons with disabilities should not be denied medical care on the basis of stereotypes, assessments of quality of life, or judgments about a person’s relative ‘worth’ based on the presence or absence of disabilities. Decisions by covered entities concerning whether an individual is a candidate for treatment should be based on an individualized assessment of the patient based on the best available objective medical evidence.”
- While this guidance is not a new law it is a step in addressing civil rights concerns as potential rationing of health services comes closer to reality.
- The guidance would be extended to persons with pre-existing or severe chronic health conditions.
- The [“Know Your Rights” fact sheet](#) explains protections and provides direction on filing a complaint of discrimination.

Health and Human Services Guidance for States and Healthcare Providers on Avoiding Disability-Based Discrimination in Treatment Rationing

We are adding the voice of the lung cancer community with the disabilities community in [supporting these Guiding Principles](#). These principles reinforce our civil rights laws that protect equal dignity for every human life and that healthcare providers should not discriminate against those with disabilities nor put at the end of the line for health services during emergencies.