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April 8, 2020

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

The Honorable Mitch McConnell
Majority Leader
U.S. Senate
Washington, DC 20510

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives
Washington, DC 20515

The Honorable Chuck Schumer
Minority Leader
U.S. Senate
Washington, DC 20510

Dear Madam Speaker and Leaders McConnell, Schumer and McCarthy:

As the Co-Founder, President and CEO of GO₂ Foundation for Lung Cancer (a merger of Lung Cancer Alliance and the Addario Lung Cancer Foundation), whose mission is transforming survivorship by saving, extending and improving the lives of those vulnerable, at risk and diagnosed with lung cancer, I'm writing to ask you to take specific actions in response to the growing concerns about pre-existing conditions and disability discrimination in access to treatment during the COVID-19 crisis.

On March 28, 2020, the Office for Civil Rights (OCR) at the U.S. Department of Health and Human Services, issued a bulletin to ensure that federally funded entities keep in mind their obligations under laws, including the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and Section 1557 of the Affordable Care Act that broadly protect people with disabilities against discrimination in receiving medical treatment.

In our view, the OCR [guidance](#) is a good step in addressing potential civil rights concerns, but we know it is not binding. Additional steps could be taken, such as a letter from Secretary Azar to all state administrations to reinforce the guidance. We respectfully request that you call our state governors to reiterate our civil rights laws that protects every human life from healthcare discrimination.

This means that a patient that has a diagnosis of cancer cannot be the basis, even in part, for denying care or making that person a lower priority to receive treatment. As states review and create their "crisis standards of care," they must not promote or practice any form of discrimination that would violate these

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laws, whether they apply to hospitals experiencing a medical equipment, bed, or staffing shortage or state policies concerning how resources should be allocated during COVID-19.

In light of continued media reports suggesting that rationing of care may be inevitable in state hospitals, we request that further federal guidance to states include explicit language about protection for pre-existing, severe chronic disease or individuals with immunosuppressed conditions, in addition to disabilities, be spelled out to give assurance to all affected communities.

Thank you for your hard work on behalf of the American people and the strong leadership during this crisis. It is because of the uncertainty that we raise our voice and ask you to stand with us to assure patients with lung cancer, and all patient communities across the nation, that they will receive fair access to treatment in their home state during the COVID-19 pandemic.

Please contact my staff, Elridge Proctor, Senior Director, Government Affairs at 202-742-1427 or email Eproctor@go2foundation.org with any questions or information.

Sincerely,

A handwritten signature in black ink that reads "Laurie Fenton Ambrose". The signature is written in a cursive, flowing style.

Laurie Fenton Ambrose
Co-Founder, President & CEO
GO₂ Foundation for Lung Cancer

CC: Alex Azar, Secretary of Health and Human Services