



## **PHRC and COVID-19 Public Accommodations Including Healthcare Providers**

### **The Pennsylvania Human Relations Commission Enforces Laws That Protect Certain Rights Pertaining To Where You Live, Work, Learn, And Obtain Services Offered To The Public**

The PHRC enforces the Pennsylvania Human Relations Act ("PHRA") which prohibits discrimination in employment, housing, commercial property, public accommodations, and educational institutions. In public accommodations, individuals are protected from discrimination because of:

- National Origin
- Ancestry
- Race
- Sex
- Color
- Religion
- Disability
- Use of a Guide or Support Animal Because of the Blindness, Deafness or Physical Disability of the User
- Handler or Trainer of Support or Guide Animals
- Disability of an individual with whom the person is known to have a relationship or association.

### **Laws Enforced By The PHRC Do Not Conflict With Requirements Of The Center For Disease Control Or Other Federal, State, Or Local Authorities**

The PHRA and implementing regulations continue to apply to entities subject to these laws, but they do not interfere with or prevent proprietors of public accommodations from following the guidelines and suggestions made by the CDC or state/local public health authorities about steps proprietors of public accommodations should take regarding COVID-19. Proprietors of public accommodations should remember that guidance from public health authorities is likely to change as the COVID-19 pandemic evolves. Therefore, proprietors of public accommodations should continue to follow the most current information on maintaining

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safety and providing reasonable accommodations to persons with a disability.

### **Public Accommodations Include Healthcare Providers**

The PHRA prohibits discrimination by healthcare providers which includes, but is not limited to:

- Clinics
- Hospitals
- Doctor's Offices
- Healthcare Providers
- Pharmacies
- Any other accommodation which is open to, accepts or solicits the general patronage of the public.

### **Must All Healthcare Providers Be Accessible?**

All healthcare institutions considered public accommodations under the PHRA must be accessible.

**Example: This includes any temporary facilities utilized or constructed to provide healthcare during the COVID-19 pandemic.**

### **May I Deny Certain Individuals Service?**

No. It is unlawful discrimination for any proprietor of a hospital, clinic, doctor's office, or any other health-related organization considered a public accommodation under the PHRA to refuse, withhold from, or deny to any person, because of a protected class, any of the accommodations, advantages, facilities or privileges of such public accommodation.

### **Examples Of Unlawful Activity:**

- **Denying an Asian or Asian American entry because of his or her National Origin or Ancestry.**

- **Refusing to provide healthcare to an individual whose spouse has a physical disability.**

### **May I Advertise That Certain Classes of Individuals Will Not Be Served Or That Certain Classes Of Individuals Are Preferred?**

No. It is unlawful discrimination to publish, circulate, issue, post or mail, either directly or indirectly, any written or printed communication, notice or advertisement to the effect that any of the accommodations, advantages, facilities and privileges of any accommodation shall be refused, withheld from or denied to any person because of a person's protected class, or that the patronage of any person of a protected class is unwelcome, objectionable, or not acceptable, desired or solicited.

**Example Of Unlawful Activity: A clinic may not post a sign denying medical services to all individuals of Asian or Pacific Islander descent or post a sign welcoming only Caucasians.**

### **The Federal Government Also Provides Anti-Discrimination Protections Within The Health Care Field**

The Federal Government also provides certain protections to persons facing discrimination based on their health or disability status. For example, Section 1557 of the Affordable Care Act incorporates provisions under Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973 and prohibits discrimination and the denial of benefits on the basis of race, color, national origin, sex, age, or disability under any health program or activity, any part of which is receiving Federal financial assistance.

Learn more about your federal civil rights, and what actions you may take if you or a loved one are experiencing discrimination at [www.hhs.gov/civil-rights/for-individuals/fact-sheets.html](http://www.hhs.gov/civil-rights/for-individuals/fact-sheets.html).

### **Considerations During the COVID-19 Pandemic:**



The PHRC understands the immense pressure healthcare professionals are under during this pandemic. The PHRC would like to remind everyone to be mindful of all segments of the community and take reasonable steps to provide an equal opportunity to benefit from emergency response efforts. Further, 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.

For more information and resources from the Pennsylvania Department of Health related to the COVID-19 pandemic, click or visit [www.health.pa.gov/topics/disease/coronavirus/Pages/Coronavirus.aspx](http://www.health.pa.gov/topics/disease/coronavirus/Pages/Coronavirus.aspx).

For more information and resources from the Centers for Disease Control and Prevention related to the COVID-19 pandemic, click or visit <http://www.cdc.gov/coronavirus>.

### **How Can The PHRC Assist Me?**

If you feel that you have been a victim of unlawful discrimination you can file a complaint with the Pennsylvania Human Relations Commission. A copy of the current complaint forms may be found at:

**<https://www.phrc.pa.gov>**

The form may be mailed to the PHRC at 333 Market Street, 8<sup>th</sup> Floor, Harrisburg, PA 17101-2210, or emailed to [PHRC@pa.gov](mailto:PHRC@pa.gov). For individuals who need emergency assistance or guidance, please call us at (717) 787-4410 between the hours of 9:00 AM-4:00 PM.