

As Hoosiers with disabilities, we know and understand how COVID-19 has and continues to impact Hoosiers in our disability community differently than other Hoosier citizens. We see and feel the strain it is placing on our public systems, compromising our healthcare and limiting our access to supports in our home, education, employment, and transportation services.

As our country and state have “opened up”, many of us continue to stay home to remain safe while a few of us have started re-entering the workforce, utilizing public transportation, and engaging in community spaces only to retreat back to our homes every time there is a spike or resurgence in COVID-19 cases. For those of us who have become housing insecure during the pandemic, the fear of infection (and potential death) is constant. We are frightened that what little choice and control we currently have over our lives, may be in jeopardy. The risk of institutionalization has never been more real.

Early on in the COVID-19 pandemic, INSILC created resources for our peers with disabilities to utilize when navigating our often prejudicial, discriminatory, ableist healthcare system. These documents can be found in multiple languages and accessible formats at: <https://www.insilc.org/covid-19/>.

Today, we are sharing a new resource to help our peers navigate the ongoing pandemic – the **INSILC Guide on COVID-19 Vaccinations and Home & Community Care**. The information in this resource is specific to COVID-19 vaccinations and home and community care providers or staff entering our homes. Many of us require home and community supports/services to survive and thrive and be meaningfully integrated in society. As a result, more individuals come into our homes and spaces automatically putting us at an increased risk of contracting COVID-19. But when individuals providing us these supports/services enter our homes unvaccinated, it **significantly** increases this risk.

Majority of us utilizing home and community supports/services are vaccinated mitigating the risk of contracting COVID-19 and the likelihood of dying from the virus if we do. However, there are several of us whose disabilities and pre-existing conditions prevent us from being vaccinated. And, being vaccinated is no guarantee our immune systems will be as resilient which may impact the effectiveness of the vaccine. Therefore, we often need to take additional precautionary measures to ensure our health and safety. One such measure is asking and knowing if the people entering our homes are vaccinated.

But how do we do we do this or find out this information? What right(s) do we have to ask if someone entering our home is vaccinated in order to protect ourselves and remain as healthy and safe as possible?

To answer these questions, INSILC developed the **INSILC Guide on COVID-19 Vaccinations and Home & Community Care** to support our peers navigating through these tricky and often uncomfortable scenarios. We hope you find this guide to be informative and a useful and empowering tool!

Much Love and Solidarity,  
The INSILC Team

To meet the various accessibility needs of our disability community, the guide is on our website ([www.INSILC.org](http://www.INSILC.org)) in PDF, plain text, standard print, large print, and Spanish. If you require the guide in another format or language, please contact us - we'd be happy to provide this accommodation!

## INSILC Guide on COVID-19 Vaccinations and Home & Community Care

### What does the law say?

What the law allows and doesn't allow when it comes to vaccination mandates and inquiring about the vaccination status of an individual has been a hot topic during the COVID-19 pandemic. As our communities have re-opened and laws and guidance have shifted and changed, many of us have been overwhelmed and confused by a great deal of conflicting information. Unfortunately, some of this information has been inaccurate and applied incorrectly putting the lives of our peers with disabilities at risk unnecessarily. This guide provides you with accurate and up-to-date information.

Below, we use the word "staff" to describe individuals who may be entering your home to provide you with care related supports and services. This includes Personal Care Attendants (PCAs), Direct Support Professionals (DSPs), Certified Nursing Assistants (CNAs), Licensed Practical Nurses (LPNs), Registered Nurses (RNs), Doctors, Therapists, Case Managers, Care Coordinators, etc.

**You can ask your staff if they are vaccinated.** They are not required to tell you. Whether or not they tell you is their choice. However, there are no current laws that *prohibit* them from sharing their vaccination status information with you when asked.

**You can ask your staff to provide proof that they are vaccinated.** They are not required to provide you with proof. Whether or not they provide you with proof is their choice. However, there are no current laws that *prohibit* them from sharing their proof of vaccination information with you when asked.

**Your staff can tell you if they are vaccinated.**

**It is not a HIPAA violation for you to ask your staff if they are vaccinated.**

**It is not a HIPAA violation for your staff to tell you if they are vaccinated.**

Thus, it is your staff's choice whether or not to tell you if they are vaccinated.

You **have a right** to deny your staff entry into your home if your staff is not vaccinated or refuses to tell you if they are vaccinated.

**Employers cannot tell you if their employees (your staff) are vaccinated.**

However, employers can ask their employees (your staff) if they have or have not received a COVID-19 vaccination, require proof that they have received a COVID-19 vaccine, and can require daily temperature checks or regular testing with negative test results for their on-site employees. Employers are required to keep any of this medical information confidential and cannot release it to you.

**Employers can mandate their employees (your staff) receive a COVID-19 vaccination.**

Employers can also require employees (your staff) to provide proof they have been vaccinated.

**Employers can tell you if they require their employees (your staff) to receive a COVID-19 vaccination.**

Employers can also tell you if they require their employees to provide them with proof of vaccination.

### How can I protect myself?

Below is a list of actions you can take to learn more about the COVID-19 vaccination status of any staff entering your home and ways you can protect yourself.

Once again, we use the word “staff” to describe individuals who may be entering your home to provide you with care related supports and services. This includes Personal Care Attendants (PCAs), Direct Support Professionals (DSPs), Certified Nursing Assistants (CNAs), Licensed Practical Nurses (LPNs), Registered Nurses (RNs), Doctors, Therapists, Case Managers, Care Coordinators, etc.

1. **Ask your provider if they have a policy mandating all their employees receive a COVID-19 vaccine.**
2. **Ask your provider if they have a policy mandating their employees provide proof they have received a COVID-19 vaccine.**
  - Policies that require proof of vaccination for are more reliable than self-disclosure policies.
3. **Ask your provider if they have implemented COVID-19 health/safety screenings for employees.**
  - Daily temperature screenings, regular testing and self-disclosure of COVID-19 symptoms are the most common ways employers screen their employees.
  - Remember: Employers are unable to release or share any of this medical information with you.
4. **Ask your provider if they have implemented a mask mandate for all its employees (your staff).**
  - Make sure that you ask the provider (employer) this question directly and not rely on the staff coming into your home. The staff may not accurately answer your question.
  - If your provider does have a mask mandate and your staff does not or will not wear a mask in your home, be sure to ask your provider how you can report these staff.
5. **Ask (require) all individuals entering and working in your home to wear masks and gloves.**
  - You may need to provide disposable masks and gloves for your staff if these items are not already made available to your staff through your provider or your insurance plan.
  - You may also choose to wear a mask and gloves.
6. **Ask all of your staff if they have received the COVID-19 vaccination. You have a right to deny access into your home to any staff who are unvaccinated, refuse to answer if they are vaccinated, or refuse to wear a mask or gloves when in your home.**

#### DISCLAIMERS:

1. *Some employees may be exempt from vaccine and/or testing requirements due to a disability or religious exemptions. Meaning, even if the employer requires its employees to be vaccinated, it may still be a good idea to ask individuals entering your home if they are vaccinated.*
2. *There are pros and cons to not allowing staff to enter your home who are not vaccinated or will not disclose their vaccination status. It may result in your care needs not being met and there is no guarantee that your provider will be able to replace the staff. This action may put you at risk of institutionalization so please be sure to weigh the benefits and drawbacks of denying staff access into your home.*
3. *Federal guidance, state and local laws are subject to change. The information presented in this guide is up-to-date as of November 10, 2021. INSILC will do its best to update this guide as any applicable federal, state or local laws or guidance change.*
4. *This guide is for information purposes only and is not legal advice. For any legal questions or concerns, please consult a licensed attorney in your jurisdiction.*