

Home and Community Based Services: Community Integration - Olmstead and Olmstead-related Lawsuits.
Terence Ng, Alice Wong & Charlene Harrington
UCSF National Center for Personal Assistance Services,
August 2009

State	Lawsuit Summary Title ⁱ	Date Filed	Case Status	Primary Target Group	Case Type	Case Summary & Further Details	Laws invoked	Concerns PAS provision
AL ¹	Wyatt v. Sawyer *	Oct. 1970	Closed (Dec 2003)	MR/DD Mental Illness	Olmstead	Summary Class action for institutionalized people with mental illness & MR/DD which set standards for right to treatment, privacy & services in the least restrictive setting. Progress Settlement		
AL ^{2,3,23}	Susan J et al v. Riley et al	Jul. 2000	Open	MR/DD	Related	Summary Plaintiffs claim the state failed to furnish them with ICF/MR or waiver services, leaving them on a wait list. Progress Settlement discussion underway that would have the state agree to expand waiver services at the rate of 600 persons per year for a three-year period.	Medicaid US Constitution	
AK ²	Hagen v. Alaska	1999	Closed (Mar 2002)	Physical Disability	Related	Summary Action to require Medicaid PAS for an individual in a reliable, non-arbitrary way in order to prevent unnecessary institutionalization. Progress Case dismissed. State volunteered to increase provider reimbursement rates	Medicaid	Yes
AK ³	Carpenter et al v. AK Dept of Health & Social Services	Jan. 2001	Closed (Mar 2002)	MR/DD	Related	Summary Plaintiffs (children & adults) in this case were indefinitely waitlisted for services. Progress Case dismissed	ADA Medicaid RSA US Constitution	
AR ^{1,2,3,16,24}	Pediatric Specialty Care, Inc et al v. AR Dept of Human Services et al	Nov. 2001	Open	MR/DD	Related	Summary Plaintiffs (children & service providers) challenged plans to reduce Medicaid services (ending some day treatment & therapy for children with DD). Progress Under appeal. District & Appeal Courts upheld the complaint, ruling that states are required to identify services in their Medicaid plan. If a physician determines services necessary for Medicaid eligible children, state must pay for them regardless whether they were listed in the state Medicaid Plan.	Medicaid	
AR ²	Tessa G v. AR Dept of Human Services et al	Jun. 2003	Closed (Aug 2003)	HCBS	Related	Summary Case concerns state's practice of wait listing individuals for its HCBS waiver program for people with disabilities instead of allowing them to submit an application. Progress Settlement. State offered waiver services to individuals on the list, up to its CMS approved participant cap & conceded it was required to allow people to apply for services under federal law.	Medicaid US Constitution	
AR ^{3,25}	Porter & Norman v. Knickreim	Oct. 2003	Open	MR/DD	Related	Summary Case challenges the constitutionality of the admission & discharge procedures for people with MR/DD in state institutions. Progress. On appeal. In 2005, the Appeals court ordered defendants to submit a new set of post-admission review procedures and ruled that the amended rules are an adequate remedy to the case. Plaintiff's appeal is pending. Further details [http://www.arkdisabilityrights.org/law/alerts.html]	US Constitution State	
AZ ^{2,3,26}	Ball et al v. Rodgers	Jan. 2000	Closed (2009)	HCBS	Olmstead	Summary Class action for Medicaid eligible plaintiffs alleges Medicaid payment rates for PAS are too low to ensure all HCBS are provided so people are at risk of institutionalization. Progress Court ruled the state must make improvements to the program & pay sufficient to "attract enough health care workers to deliver all of the services for which the individual qualifies". The court found that the state violated the ADA by not providing enough care providers such that eligible persons are not able to get the services they need.	ADA RSA Medicaid/SSA	Yes
CA ¹ ⁸	Sobky v. Smoley	1991 ⁹	Closed (1994)	HIV/other	Related	Summary Class action challenged denial of methadone maintenance treatment (MMT) to Medicaid eligible people because the county they live in did not have a MMT program. Progress Appeal Court upheld ruling stating services should be provided; with 'reasonable promptness', evenly across the state & with adequate scope & duration of treatment, noting that if beneficiaries wait different lengths of time, it constitutes discrimination		

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CA ^{2,11}	Coffelt v. Dept of Developmental Services	1990	Closed (1994)	MR/DD	Related	Summary Case challenging the placement of people with MR/DD in institutions. Progress Settlement (a net decrease of 2,000 in the institutional population over 5 years & improved HCBS).		
CA ³	Richard S et al v. Dept of Developmental Services	1997	Closed (2000)	MR/DD	Olmstead	Summary Case (brought by doctor) claiming that plaintiffs should not be discharged to the community because they were in the most integrated setting appropriate (DD Centers). Progress Settlement (included provision that treating professionals can express an objection to a community placement).	ADA	
CA ⁴	Hale "Buttercup" v. Belshe	1997	Closed	HCBS	Related	Summary Class action challenging failure to comply with PASRR, improperly imposing caps on mental health rehabilitation & not providing services in the least restrictive setting. Progress Case voluntarily dismissed as appropriate placements were identified	ADA NHRA/OBRA Medicaid	
CA ^{5,16}	Emily Q. v. Bonta	1998	Closed (Oct 2006)	Children	Related	Summary Case regarding lack of provision of therapeutic behavioral health services to medically needy children receiving EPDST services under Medicaid. Progress Complaint upheld.		
CA ⁶	Black v. Dept of Mental Health	1997	Closed (2000 ²)	Mental Illness	Olmstead	Summary Case brought by the Administrator of the estate of a person with mental illness, claiming the state violated the ADA by discharging the individual from a private institution to the community. Progress Complaint dismissed. Appeal Court ruled that Olmstead clarified that the ADA does not impose a standard of care on states & does not prohibit inappropriate community discharge	ADA	
CA ⁷	CA Association of Health Facilities v. State Dept of Health Services	Dec 2002	Dec 2006	HCBS	Related	Summary Case brought by association of health association to include certain add-ons when the state determines reimbursement rates. Progress . Appeals court ruled that the district court's award of summary judgment for the defendants were inappropriate and remanded for further proceedings.		
CA ^{8,23}	Sanchez et al v. Johnson et al	May 2000	Closed (Aug 2005)	MR/DD	Related	Summary Plaintiffs (including service providers) challenged the disparity between wages for direct support professionals in institutions & in the community ¹¹ . Progress Case dismissed. The court decided the trial would only examine whether payments are sufficient to provide quality services. The court dismissed the case as Medicaid law does not give individually enforceable rights. This was affirmed by the appeals court.	ADA Medicaid RSA	Yes
CA ^{9,23,23}	Davis et al v. CA Health and Human Services Agency et al	Jul 2000 ⁷	Closed (Jul. 2004)	HCBS	Olmstead	Summary Class action brought by a coalition of organizations on behalf of residents of Laguna Honda nursing facility. The US Dept of Justice also conducted an investigation & found it to be in breach of Olmstead. Progress Settlement (includes targeted case management for people living in the facility or at risk of admission). The state will also revise their screening program for individuals with psychiatric disabilities with an emphasis on community alternatives versus nursing homes. The plaintiffs reserve the right to re-file the lawsuits if there are insufficient community options.	ADA Medicaid CRIPA	
CA ¹⁰	Clayworth et al v. Bonta et al	Dec 2003	Closed (Aug 2005 ⁷)	HCBS	Related	Summary Case brought by Medicaid recipients & a pharmacist providing Medicaid services to prevent California from instituting a 5% rate reduction in Medicaid payments. Progress Case dismissed.		

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CA11 ²³	Capitol People First et al v. CA Dept of Developmental Services et al.	Jan. 2002	Closed (Apr 2009)	MR/DD	Olmstead	<p>Summary Class action suit for all Californians with MR/DD in, or at risk of placement in institutions challenges that the state unnecessarily institutionalizes people with MR/DD & requests changes including that the state offers the full range of Medicaid & state HCBS. Progress Settlement. Final approval of the settlement in April 2009. The settlement will see the state provide additional funds for case management to assist class members in state-run institutions called developmental centers (DC); improved information to class members and training for DC staff about community living options; increased state-level coordination of services for people diagnosed with developmental and mental health disabilities; and continued funding and program efforts to provide community living alternatives for class members.</p> <p>Details of the settlement can be found at: http://www.disabilityrightsca.org/advocacy/CPFvDDS/Summary_of_Settlement-2009-04-27.pdf</p> <p>Additional information about the case can be found at: http://www.disabilityrightsca.org/advocacy/CPFvDDS/index.htm</p>	ADA Medicaid RSA US Constitution State State constitution	
CA12 ^{27,27}	Rodde et al. v. Bonta et al	Mar 2003 ⁷	Closed (2004)	Physical Disability	Related	<p>Summary Case challenging the closure of Rancho Los Amigos Rehabilitation Hospital. It argues that without the service, people with disabilities will not learn to live independently & risk institutionalization & are being treated differently to other Medicaid beneficiaries. Progress Settlement. The County will keep Rancho open for at least three years from the date the settlement becomes final, unless a buyer appears before this time. During this time period, Rancho will continue providing medical services to people with disabilities and will a buyer for the hospital or establish a nonprofit organization to take it over. If the hospital closes, the County must provide adequate continuation of services for its patients with Medi-Cal.</p> <p>To download the settlement agreement: https://www.disabilityrightslegalcenter.org/documents/SettlementAgreement.doc</p>	ADA Medicaid RSA State	
CA13 ³⁷	Mark Chambers et al. v. City and County of San Francisco	Oct 2006	Closed (2008)	Physical Disability	Olmstead	<p>Summary Six residents of Laguna Hospital, joined by the Independent Living Resource Center of San Francisco, filed a class-action lawsuit challenging the City and County of San Francisco's policies regarding the institutionalization of people with disabilities. The plaintiffs argue that they are capable of and would prefer to live in the community. Progress. Settlement. Final approval of the settlement given in Sept 2008. For plaintiffs and eligible Laguna Honda residents, the settlement consists of access to a Medi-Cal HCBS waiver, a rental subsidy program that will provide accessible housing and care coordination for programs such as attendant and nursing care, care management, mental health services, assistance with meals and substance abuse treatment</p> <p>To view a summary of the lawsuit: http://www.pai-ca.org/advocacy/lhh/index.htm</p> <p>To review the entire settlement agreement: http://www.pai-ca.org/advocacy/LHH/Settlement_Agreement_FINAL_12-03-</p>		

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						07.pdf		
CA ¹⁴ ^{38,39}	Katie A. v. Bonta	Jul 2002	Open	Mental Illness	Related	<p>Summary Class action suit challenged the state's practice of confining mentally ill children who are in the state's foster care system or at risk of removal from their families and who have mental health needs into hospitals and large group homes rather than home and community-based options. Progress Ongoing. The district court ordered that the state must provide community services to children with mental health needs. A special master was appointed by the court to facilitate an agreement between the parties in 2009.</p> <p>For a summary of the case: http://www.bazelon.org/incourt/docket/katieA.htm</p> <p>To view the original complaint: http://www.bazelon.org/issues/children/incourt/KatieA/katiea_complaint.pdf</p>	ADA Medicaid State constitution	
CO ¹ ¹⁷	Duc Van LE v. Ibarra	1985	Closed (1992)	Mental Illness	Related	<p>Summary Class action alleging the state's refusal to make Medicaid HCBS available to people with mental illness was discriminatory under the Rehabilitation Act as these services were available to seniors & people who are blind & physically disabled. Progress Complaint upheld.</p>	RSA	
CO ² ^{23,23}	Mandy R et al v. Owens et al *	Aug. 2000	Open	MR/DD	Olmstead	<p>Summary Case challenges waitlists & seeks services in small ICF/MR group homes or HCBS waiver services. An association of non-profit community services providers contended that state payments for HCBS are inadequate & waiver services should be expanded, not ICF/MR services. Progress Under appeal. Court dismissed all claims (dismissed ADA claims on grounds that "Olmstead does not stand for the proposition that a state must create, expand or maintain programs for the purpose of preventing disabled individuals from becoming institutionalized")</p>	ADA Medicaid RSA US Constitution	
CT ¹ ³	DeSario v. Thomas *	1997	Closed (Feb 1998 ⁷)	Physical Disability	Related	<p>Summary Class action about limits on payments for medical equipment to items on a Social Services list. It prompted HCFA (now CMS) to clarify policies on medical equipment coverage, requiring states to provide individuals "a meaningful opportunity for seeking modifications of or exceptions to a State's pre-approved list."¹⁵ Progress Settlement</p>		
CT ² ^{3,23}	Arc of CT et al v. O'Meara & Wilson-Coker	Oct. 2001	Closed (May 2005)	MR/DD	Olmstead	<p>Summary Class action involving waiver recipients who are waitlisted/denied other services. Progress Settlement. In late 2004 the parties arrived at a settlement agreement. The agreement provides the following: the class includes those individuals who applied and were found eligible plus individuals who would have been found eligible if they had the opportunity to apply; over a five-year period starting FY 2005-2009, the state agreed to expand its HCBS waiver programs to accommodate an additional 150 persons each year; the state agreed to create a new Individual and Family Support HCBS waiver; and the state agreed to revise its procedure to ensure potential applicants receive adequate information regarding the services and prompt determination of eligibility of those services.</p>	ADA Medicaid State	

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CT ³	Carroll v. Wilson-Coker	2001	Open	Physical Disability	Related	Summary The elderly plaintiff had received HCBS & PAS under the state waiver but the provider agency repeatedly failed to provide the required amount of care. As a result the plaintiff experienced falls & some aides were injured. The agency withdrew services on the grounds that they could not provide safe care, leaving the plaintiff at risk of institutionalization. Progress Ongoing	ADA Medicaid	Yes
CT ⁴	Pragano et al v. Wilson-Coker	Nov. 2002	Closed (Dec 2003)	HCBS	Related	Summary Case claiming that in refusing to pay for medical equipment not covered by Medicare & operating an arbitrary list of approved devices, the State restricted access to equipment for independent living thereby increasing risk of institutionalization. Progress Settlement. A revised list was formed, including rights for appealing decisions.	Medicaid/SSA	
CT ⁵ ^{11, 28}	Messier v. Southbury Training School	1994	Closed (2008)	MR/DD	Related	Summary Class action case sought to ensure reasonable care in the institutions and also to provide services to allow for transfer out of institutions. Progress Consent agreement. In 2008, the court found that defendants were not in compliance and issued an injunction against the defendants.		
CT ⁶ ³⁶	Office of Protection and Advocacy v. CT	Feb 2006	Open	Mental Illness	Olmstead	Summary Plaintiffs alleged that more than 200 people with mental illnesses are "needlessly segregated and inappropriately warehoused" in three Connecticut nursing homes. To view the complaint: http://www.bazelon.org/issues/disabilityrights/incourt/opa-v-ct/complaint-opa-v-ct.pdf	ADA	
CT ⁷	Leocata v Leavitt	2004	Closed (Sept 2005)	Elderly	Olmstead	Summary Plaintiff is an elderly women suffering from dementia eligible for Medicaid who wished to move from a nursing home to an assisted living facility. She contends that Medicaid should pay for the cost of the assisted living facility. Progress Case dismissed. Court found that although Olmstead required state to provide reasonable accommodation, payment for the assisted living facility would be special accommodation not required by Olmstead	ADA Medicaid US Constitution	
DC ²	Evans & US v. Williams	1999	Closed (2001)	MR/DD	Related	Summary Class action asking the court to implement the HCBS waiver program & put class members in a less restrictive setting, & alleging the district was in contempt because it failed to provide timely payment to group home service providers. Progress Settlement. Provides for the creation of a non-profit corporation to provide lay advocacy, legal services & support to ensure greater protections for all people with MR/DD.		
DE ¹ ²	Doe v. Sylvester	2000	Closed (2001 ¹¹)	Mental Illness	Olmstead	Summary The plaintiff was a deaf inpatient at a state hospital who required interpreter services. Progress The court ruled that the lack of interpreting services violated the ADA because the person couldn't engage with therapy & the state had not made reasonable accommodations to a public housing unit so the individual resided in an institution despite being suitable for community placement. Case dismissed after individual's situation changed	ADA RSA	
DE ² ³	Arc of Delaware et al v. Meconi et al *	Apr. 2002	Closed (Aug 2004)	MR/DD	Olmstead	Summary Class action alleged the State does not have a "comprehensive effectively working plan" for placing qualified persons in less restrictive settings & did not move its wait list at a reasonable pace. Progress Settlement. Provides for expansion of waiver services, a new family support waiver & infrastructure improvements.	ADA Medicaid RSA US Constitution	

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FL ^{1,3}	John/Jane Doe v. Bush et al*	1992	Closed (Mar 1998)	MR/DD	Related	Summary Class action about wait listing for ICF/MR services. Progress Complaint upheld. Court ruled that 'reasonable promptness' requires a state to furnish ICF/MR services promptly once an application has been approved & therefore wait lists violate Medicaid law. Appeal court upheld this ruling	Medicaid	
FL ^{2,3,23}	Brown et al v. Bush et al.	Jan 1998 ²	Closed (2006)	MR/DD	Olmstead	Summary Class action alleging unnecessary institutionalization of people with MR/DD. Progress Settlement. Provides for closure of 2 of the 4 state DD centers by 2010 & funds for a new waiver for people moving to the community.	ADA RSA Medicaid US Constitution	
FL ³	Wolf Prado-Steiman v. Bush. et al	1998 or 2000	Closed (Aug 2001)	MR/DD	Olmstead	Summary Case challenging state policies in operating its HCBS waiver. It was amended to challenge the wait listing of individuals. Progress Settlement. Provides for expansion of waiver for people with MR/DD.	ADA Medicaid RSA US Constitution	
FL ^{4,3,23}	Dubois et al v. Rhonda Meadows et al	Apr. 2003	Open	TBI/SCI	Olmstead	Summary Class action where plaintiffs had sought but not received community services through Brain or Spinal Cord Injury waiver & state does not have a comprehensive effectively working plan for community integration. Progress. Settlement talks ongoing	ADA Medicaid	
FL ⁵ ¹⁸	Cummings v. Dept of Community Health	Dec 2003	Open	Mental Illness	Related	Summary Case brought on behalf of 5 residents of a nursing home in the grounds of a state psychiatric facility scheduled for closure. Plaintiffs argue that they have not been assessed for or given the option of community-based alternatives & are instead being transferred to nursing homes. Progress State filed to dismiss the case.		
FL ⁶	Long et al v Benson et al	Jan 2008	Open	Physical Disability	Olmstead	Summary Plaintiff brought case to obtain Medicaid coverage for the nursing assistant he requires to stay at home and avoid institutionalization. Progress Preliminary injunction granted to plaintiff for the provision of necessary Medicaid coverage for plaintiff to stay at home.	ADA Medicaid RSA	
GA ^{1,3}	Olmstead v. L.C. & E.W. *	1995	Closed (Jul 1999)	MR/DD & mental illness	Olmstead	Summary Case about 2 women with MR/DD both diagnosed with mental illness & voluntarily admitted to a state hospital for psychiatric treatment. Treating professionals concluded that the plaintiffs could receive community care but they remained institutionalized. Progress Complaint upheld	ADA	
GA ^{2,3}	Birdsong et al v. Perdue et al	Jan. 2003	Open	Physical Disability	Olmstead	Summary Class action alleges since Olmstead, the State made no significant effort to operate long-term care in a way that ensures people have the option of HCBS & are not unduly segregated. Progress Settlement discussions underway	ADA Medicaid	
GU ²	J.C. v. Gutierrez	2001	Closed (Jun 2004)	MR/DD & mental illness	Olmstead	Summary Plaintiffs have mental illness & MR/DD & have not been provided with necessary therapeutic services to facilitate community placement. Progress Court ordered state to develop a plan for the community placement of people inappropriately placed in the Adult Inpatient Unit.	ADA RSA US Constitution	
HI ^{1,3,23}	Makin et al v. State of HI*	Dec. 1998	Closed (Nov 1999 ⁵)	HCBS	Olmstead	Summary Class action for people at home waitlisted for HCBS due to lack of funding. ⁶ Progress Settlement. Provides for the extension of the number of people served on waiver over 3 years. In addition, the states agreed to revise its policies and procedures regarding applications for waiver services. The state will also evaluate the eligibility of an applicant for waiver services at the receipt of the application rather than placing the individual on a wait list.	ADA Medicaid	
HI ^{2,3,29}	Disability Rights Center v. State of HI et al	Sep. 2003	Closed (Aug 2005)	HCBS	Related	Summary The Disability Rights Center evaluated implementation of the Makin (HI1) settlement & brought this class action alleging there are still 300 people on the wait list because the state has furnished services to people who sought HCBS after the settlement (rather than class members) & class members are not receiving the	ADA Medicaid	

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						full range of HCBS required. Progress Settlement. The state is now required to eligibility for home- and community-based services within 90 days of the date of application for people presently on the waitlist and new applicants. The state is also required to make improvements on their intake procedures, eligibility criteria and other services for consumers. To download the settlement agreement, go to: http://www.hawaiiidisabilityrights.org/forms/S.M.SETTLEMENT8-12-05(final-redact).DOC		
IA	No cases found							
ID	No cases found							
IL1 ⁸	McMillan v. McCrimon	1992	Closed (1992)	HCBS	Related	Summary Court found that the class action plaintiffs (people with mental & physical disabilities) had a right to apply for HCBS even where the state limits on funding on these services would lead to a waiting list. Court also reinforced the right to services with reasonable promptness & that limited state resources is not a defense.		
IL2 ¹¹	Bogard v. Duffy	1988	Closed (Oct 1998 ⁷)	MR/DD	Related	Summary Class action resulted in the state being ordered to reduce numbers of people with MR/DD in nursing homes & develop community-based services. The class does not include any person admitted to a nursing home after 1994.		
IL3 ⁷	Tinder v. IL Dept of Public Aid	1999	Closed (Feb 2004)	Physical Disability, MR/DD	Related	Summary Plaintiff with cerebral palsy living in nursing home wanted to move to a community-based home but his application to join the Community Integrated Living Arrangement (CILA) program was denied because he is not developmentally disabled. Progress Court ruled for the defendant. Appeals Court overruled, stating that under state law, cerebral palsy is included in the definition of developmental disability even if no mental impairment is present & therefore denial of community services was unjustified		
IL4 ^{2,3}	Bruggeman et al. v. Blagojevich et al	Sep. 2000	Closed (Jul 2004)	MR/DD	Olmstead	Summary Case concerned lack of access to Medicaid HCBS or ICF/MR services. Progress Settlement	ADA Medicaid RSA US Constitution	
IL5 ^{22, 30}	Radaszewski v. Maram	2000	Closed (March 2008)	Physical disability	Olmstead	Summary Plaintiff requires 24 hour medical care and was at risk of unnecessary institutionalization when he “aged out”. Progress Court found in favor of plaintiff in 2008 For more information: http://www.nasddd.org/pdf/LitigationUpdates(7-2008).pdf http://www.accessliving.org/index.php?tray=content&tid=top683&cid=84 To download the 2008 opinion: http://www.nasddd.org/pdf/Radaszewski-v-Maram.pdf	ADA RSA US Constitution	
IL6 ^{3, 23}	Jackson et al. v. Maram	Jan 2004	Open	Physical disability	Related	Summary Class action filed by an Independent Living Center on behalf of 3 nursing home residents who contend that they are unnecessarily confined to institutions because they have been denied Medicaid-funded motorized wheelchairs despite having been assessed as needing them. Progress Settlement discussions ongoing.	ADA Medicaid RSA NHRA/OBRA	

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IL ⁷	Drzewicki v. Maram et al	Nov 2004	Open	MR/DD	Related	Summary Case brought by an individual, challenging state policies in limiting HCBS waiver-funded residential services to people who need emergency services or who are in other priority groups. Plaintiff receives some HCBS waiver services but seeks Community Integrated Living Arrangements that are also provided through the waiver program. Progress Settlement proposed		
IL ⁸	Bertrand et al v. Maram et al	Jan 2005	Open	MR/DD	Related	Summary Class action complaint that the state is denying some waiver services to waiver participants who require them. Progress Ongoing. Both parties have filed motions for summary judgment in the case. The state also filed a motion opposing class certification.	Medicaid/SSA	
IL ⁹ ^{3,31}	Ligas et al v. Maram et al	Jul 2005	Closed	MR/DD	Olmstead	Summary Class action alleges state policies mean people are unnecessarily institutionalized in privately operated ICF/DD facilities. Progress Settlement. For more information: http://www.equipforequality.org/news/pressreleases/ligasmaramfiles.php To download the consent decree: http://www.equipforequality.org/resourcecenter/Signed%20Consent%20Decree%20Final.pdf	ADA RSA Medicaid/SSA	
IL ¹⁰ ³⁵	Williams v. Blagojevich	Aug 2005	Open	Mental Illness	Olmstead	Summary Class action alleging violation of ADA when individuals forced into nursing homes. Progress. Ongoing To view the case files, go to: http://www.equipforequality.org/news/pressreleases/williamsblagojevichfiles.php	ADA	
IL ¹¹	Colbert v. Blagojevich	2007	Open	Physical disability	Olmstead	Summary Class action asserting that the state failed to comply with Olmstead. Plaintiff seeks an order permitting people with disabilities in Cook County to access long-term care services in their own homes or in community based settings rather than in nursing homes. The plaintiffs are asking the court to order the state to: ensure that nursing facility residents in Cook County are assessed for community long-term care services, both at admission and regularly thereafter; inform nursing facility residents of home- and community-based long-term care options and alternatives; and provide eligible nursing facility residents with long-term care services and supports in the community, rather than requiring individuals to submit to nursing home placement. Progress Ongoing For more information: http://www.equipforequality.org/news/pressreleases/illinoisresidentsfiles.php To download the complaint: http://www.accessliving.org/index.php?tray=content&tid=top654&cid=250	ADA RSA Medicaid SSA NHRA	
IL ¹²	Grooms v Maram	2006	Open	Physical disability	Olmstead	Summary Plaintiff sued the state to receive HCBS rather than be institutionalized when he "aged out". Progress Ongoing. In May 2008, court denied defendant's motion for summary judgment.	ADA RSA Medicaid	

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IL13	Sidell v Maram	Dec 2004	Open	Physical disability	Related	Summary Plaintiff sued the state to receive HCBS under the hospital level of care rather than the nursing home level of care. A hospital level of care rating would mean greater funding as compared to a nursing home level of care. Progress Ongoing.		
IN1 ^{2,3}	Inch et al v. Humphrey & Griffin	Jul. 2000	Closed (Sep 2004)	Physical disability ¹²	Olmstead	Summary Class action alleged 2,000 individuals were either on waiting lists or suffering 'institutional isolation' as enrollment in the state elderly & disabled waiver programs had been closed for 2 years & new applications were not accepted. Progress Settlement. Provides for waiver to be expanded to serve 3,000 more people & assessment and quality assurance mechanisms to be developed.	ADA Medicaid	
IN3 ^{3,16}	Collins et al v. Hamilton et al	2001	Closed (Nov 2003)	Mental Illness	Related	Summary Class action regarding failure of state to provide children & young people long-term treatment in psychiatric residential facilities. Progress Complaint upheld. Court found that any Medicaid service that is medically necessary must be provided.	Medicaid	
KS ^{3,23}	Interhab, Inc et al v. Schalansky et al	Oct. 2002	Open	MR/DD	Related	Summary: Interhab (an association of providers) & 5 other community service providers claim that state is under funding HCBS. 2 individuals with MR/DD were added as plaintiffs. Progress Ongoing.	Medicaid US constitution State State constitution	
KY1 ³	Doe v. KY Cabinet for Human Services	1982. ⁷	Closed (Jun 1993 ⁷)	MR/DD	Related	Summary Class action alleged the state did not properly administer PASRR for people with MR/DD in nursing facilities. Under PASRR states must take steps to provide specialized services for these people &/or arrange for community placement if appropriate. Progress Settlement	NHRA/OBRA	
KY2 ²	Jeremy & Darwin, J et al v. Morse et al.	May. 1996	Closed	Children	Related	Summary Class action alleging the state was not providing information or services to children under 21 as required under the Medicaid EPDST program. Progress Settlement. Provides that service provision to be based on medical need, not cost.	Medicaid	
KY3 ^{2,3,23}	Michelle P et al v. Morgan et al	Feb. 2002	Closed (2006)	MR/DD	Related	Summary Class action regarding a long waiting list for Medicaid services despite increases in state funding. Class is "all present & future Kentuckians with MR &/or related conditions who live with caretakers who are eligible for, & have requested but are not receiving medical assistance, community residential &/or support services." Progress Settlement. Provides for the addition of \$45 million in state funds during the 2006-08 biennium to expand community services with funding to increase through 2010. Total funding would increase from \$303 million in 2006 to \$485 million in 2010.	ADA Medicaid RSA	
KY4 ^{2,3,23}	Kerr et al v. Holsinger et al	Oct. 2003	Closed (Aug 2004)	HCBS	Related	Summary Class action (seniors & people with disabilities) who lost eligibility for services after the state narrowed long-term care eligibility by raising the threshold of functional impairment to qualify for support. Progress Settlement. Provides that the state revise eligibility regulations for nursing facility and waiver services and requires the state to re-evaluate applicants who were denied services under the previous rules.	Medicaid US Constitution	
LA1 ^{2,16}	Chisholm et al v. Hood	1997. ⁷	Closed (Oct 2000)	MR/DD	Related	Summary Class action concerning Medicaid-eligible children on the MR/DD waiver wait list who were not receiving EPDST services. Progress Settlement	Medicaid	
LA2 ^{3,23}	Barthelemey vs. LA Dept of Health & Hospitals	Apr. 2000	Closed (Aug 2001)	HCBS	Related	Summary Class action challenging waitlists for community services. Progress Settlement. Provides for an increase in state spending & a reduction in the waiting time to less than 90 days.	ADA RSA	Yes

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LA ^{3,23}	Malen v. Hood	Dec. 2000	Closed	Children	Related	Summary Class action following proposals for a waiver for children with severe disabilities that offered a capped set of benefits narrower than those in the existing waiver. It objected to the method of program implementation, where children would have to give up their place on the existing wait list if they enroll on the new list. Progress Settlement. Provides for amendment to waiver criteria.	Medicaid	
MA ^{1,2,3,21,23}	Rolland et al v. Romney et al	Oct. 1998	Closed (Jan 2003 ⁹)	MR/DD	Olmstead	Summary Class action alleging plaintiffs were denied community-based placements or 'specialized services' when they opted to stay in a nursing facility. Progress Settlement. Provides that nursing home residents with MR/DD are offered community residential services & community placements are provided for class members.	ADA Medicaid NHRA/OBRA	
MA ^{2,3}	Hermanson et al. v. Commonwealth of MA et al	2001	Closed (Feb 2003)	Physical Disability	Olmstead	Summary Class action challenging state policy of applying more restrictive financial eligibility criteria to seniors than working age adults with disabilities on the Medicaid PAS program so seniors are at risk of institutionalization. Progress Settlement. Provides for a more liberal financial eligibility criteria for seniors.	ADA	Yes
MA ³	Boulet et al. vs. Celluci et al.	Mar. 1999	Closed (Jul. 2000 ⁵)	HCBS	Related	Summary Class action about wait lists for residential services. Progress Settlement. Provides for state to spend \$355.8 million to expand services between 2002 & 2006.	ADA Medicaid	
MA ^{4,23}	Rosie D. v. Swift	2001	Open	Mental Illness	Related	Summary Class action alleging children with mental illness have been hospitalized or are at risk of institutionalization because of lack of home based mental health services. Progress Ongoing. Both parties were ordered by the court to develop various remedies.	Medicaid	
MA ⁷	Mendez v. Brown	June 2003	Open	Physical Disability	Related	Summary 2 clinically obese Medicaid beneficiaries sued the state's denial of breast reduction surgery. Progress Ongoing.	ADA RSA Medicaid	
MA ⁶	Garcia v. Warring	Aug 2002	Closed	Mental illness	Olmstead	Summary Case brought by the state P&A on behalf of a woman diagnosed with psychosis & dementia who only speaks Portuguese. All PAS providers claimed they could not serve her as she only responds to her daughter. Progress Court upheld complaint, ruling that as she qualified for PAS it would not be a fundamental alteration for the woman's family to be paid to provide services	ADA RSA	Yes
MA ⁷	Ricci et al v. Patrick	Oct 2008	Closed	MR/DD	Related	Summary Plaintiff filed to re-open a consent decree that required the state's Department of Mental Retardation to offer the Fernald Developmental Center as an on-going option for its current residents. Defendant argued that the court lacked jurisdiction to reopen the Ricci case (previously known as Ricci v. Okin). Progress. Case dismissed. For more information: http://www.arcmass.org/StateHousePolicy/RegulationandPolicyDebates/FernaldSchoolClosingandRICCIClass/tabid/175/Default.aspx http://www.arcmass.org/LinkClick.aspx?fileticket=%2fz8yFyhQ8JY%3d&tabid=152&mid=2247 To download the Appellate Court opinion: http://www.nasddd.org/pdf/Massachusetts-RiccivPatrickUSCA1Opinion(10-1-2008).pdf	ADA Medicaid	

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MD ³	Williams et al v. Wasserman et al *	1994	Closed (Sep 2001 ⁵)	TBI/SCI	Olmstead	Summary Class action requesting HCBS for 'non-retarded developmentally disabled people' ⁶ (TBI or MR/DD). Progress Complaint dismissed. Court ruled it would be a fundamental alteration as the state had decreased numbers in institutions, increased community services & further expansion would affect ability to serve others	ADA US Constitution	
ME1 ^{2,3}	Risinger et al v. Concannon et al	Jun. 2000	Closed (May 2002)	Children	Related	Summary Class action alleged the state had not provided medically necessary EPSDT services to children with MR/DD or assured children's non-waiver Medicaid services. Progress Settlement. Provides that no child would wait more than 6 months to receive approved treatment & services.	Medicaid	
ME2 ³	Rancourt et al v. ME Dept of Human Services et al	Aug. 2001	Closed (Jul 2003)	MR/DD	Related	Summary Class action alleging state failure to provide services with reasonable promptness. Progress Settlement. Provides that the state devise a plan & provide day habilitation & case management within 90 days & within 225 days to newly qualifying individuals.	Medicaid	
ME3	Suzman v Commissioner, Dept of Health & Human Services	2001	Closed (June 2005)	Physical disability	Related	Summary Plaintiff alleged a violation of ADA when the state reduced her daytime personal care hours from 91 hours a week to 74 hours a week under the 90% rule (cost of HCBS to be less than 90% of similar institutional care cost). Progress Closed. The court found that the reduced hours was factually accurate but asked the administrative court of the department to settle the claims as to whether there is any violation of plaintiff's ADA claims.	Medicaid ADA RSA State	Yes
MI1 ^{2,3}	Olesky et al v. Haveman et al	Sep. 1999	Closed	MR/DD & mental illness	Olmstead	Summary Class action alleged plaintiffs with mental, neurological & psychiatric disabilities ¹¹ in nursing facilities denied community placements or 'specialized services' if they stayed in nursing facilities. Progress Settlement. State to "assure the appropriate & timely community placement of individuals determined to not require nursing facility care" ¹²	ADA NHRA/OBRA State	
MI2 ^{2,3}	Eager et al vs. Granholm et al	Mar. 2002	Closed (Feb 2004)	HCBS	Olmstead	Summary Case (covering seniors & people with disabilities) challenging a freeze (below capacity) on enrollment to the HCBS waiver. Progress Settlement. Provides for increasing waiver slots & funding, consumer information & creation of a Medicaid LTC Task Force.	ADA Medicaid	
MN1 ^{2,3}	Ferrick v. O'Keefe	2001	Open	HCBS	Related	Summary Class action alleging the state has not ensured eligible individuals have access to home-based nursing equal to that of similarly situated people receiving similar non-Medicaid services. Progress . Ongoing	Medicaid	
MN2 ^{3, 23}	Assoc. for Residential Resources in MN et al v. Goodno et al	Mar. 2003	Closed (Dec 2004)	MR/DD	Related	Summary Class action where plaintiffs (including advocacy organizations & providers) seek to stop the state 'rebasings' funds allocated to counties for HCBS waiver services. Progress Settlement. Provides that the state agrees to increase funding over the next two years and issue new guidelines regarding individual budgets. The state also agreed to explore new ways to fund their waiver program.	Medicaid	
MN3 ³	Masterman et al v. Goodno	Apr. 2003	Closed (Jun 2004 ⁷)	MR/DD	Related	Summary Class action where plaintiffs (including advocacy organizations) seek to stop the state 'rebasings' funds allocated to counties for HCBS waiver services. Progress Settlement. Provides that the state increase county allocations & establish a new funding method for waiver.	ADA Medicaid RSA	
MO	No cases found							
MS1 ²	Blackmon v. MS Dept of Mental Health	1997	Closed	Mental Illness	Related	Summary Case argued that failure to prescribe newer anti-psychotic medication violated the ADA as it prevented people being discharged to the community. Progress Case voluntarily dismissed.	ADA US Constitution	

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MS ^{2,3}	Billy A & MS Coalition for Citizens with Disabilities v. Lewis-Payton et al	May. 2002	Closed (Mar 2005)	HCBS ^c	Olmstead	Summary Case alleged that state policies lead to unnecessary segregation of individuals with disabilities in nursing homes by not making HCBS available. Progress Settlement. Provides assessment mechanisms for nursing home residents to screen for community transition, provision of support to transition people to the community, increase payments to personal care attendants.	ADA RSA Medicaid	Yes
MT ^{1,2,3,23}	Travis D vs. Eastmont Human Services Center	Aug. 1996 ⁷	Closed (Feb 2004)	MR/DD	Olmstead	Summary Class action alleged the state failed to provide HCBS to residents of the 2 state MR/DD institutions (one of these has since closed) & individuals in the community at risk of institutionalization. Progress Settlement. The state will move 45 residents from the Montana Developmental Center into the community over the next four years. The state also agreed to repeal a law that allows court commitment of individuals who have “near total care” requirements.	ADA RSA Medicaid US Constitution	
MT ^{2,3}	Sandy L et al v. Martz et al	Sep. 2002	Closed (Feb 2004)	MR/DD	Related	Summary Class action on behalf of 8 individuals receiving HCBS & an association of community developmental disability provider agencies, seeking an injunction to bar the state from maintaining the disparity in wages & benefits between state institutional & community-based workers. Progress Settlement. As part of the settlement agreement, the state will redesign and modify the nature and scope of services to persons with developmental disabilities in ICF/MR or home- and community-based settings. The state will also redesign and modify services funded by the Montana State Medicaid Plan for persons with developmental disabilities.		
NC ¹¹	Thomas S. v. Flaherty *	1990	Closed (1993)	MR/DD	Related	Summary Class action concerning people institutionalized in state psychiatric facilities. Court held that institutionalized persons with disabilities are entitled to services that are consistent with professional opinion & where it is assessed as appropriate people are entitled to receive community-based services.	US Constitution	
NC ^{2,3}	McCree v. Odom *	2000	Closed (May 2002)	Children	Related	Summary Class action on behalf of Medicaid-eligible children unable to obtain dental services due to a lack of Medicaid-participating dentists. Progress Complaint upheld. The ruling in this case was one of the first that held that states cannot claim 'sovereign immunity' & that complainants have individually enforceable rights under Medicaid law		
ND	No cases found							
NE ^{1,3}	Bill M et al v. Dept of Health & Human Services et al	May. 2003	Closed (2005)	MR/DD	Related	Summary Case challenging wait list for waiver & state methods for authorizing services which may mean inadequate services are provided to recipients. Plaintiffs want a state plan to move the wait list at a reasonable pace, provide services up to the number of available slots, expansion of the waiver & revamp its service authorization mechanism. Progress Case dismissed.	ADA Medicaid RSA State	
NE ²	Kriz v. 12th Judicial Dist. Bd. of Mental Health of Box Butte County	Sept 2005	Open	MR/DD	Related	Summary Plaintiff claims that the institution he has lived in for more than a decade should release him for non-institutional treatment. Progress Ongoing	ADA RSA	
NH ^{1,2,3,23}	Bryson et al vs. Shumway & Fox	Dec. 1999	Closed	TBI/SCI	Olmstead	Summary Class action about wait list for Acquired Brain Disorder model HCBS waiver. Progress Court ordered at least 200 slots be filled & with reasonable promptness. Appeal Court overruled, ruling states can limit numbers in a model waiver although services should be furnished with reasonable promptness up to the	ADA RSA Medicaid US constitution	

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						waiver limit.		
NH ²	Gagnon v. Shumway	2000	Closed	Mental Illness	Olmstead	Summary Case alleged that to revoke an individual's conditional discharge from a state hospital & involuntarily commit them without holding a hearing violates the ADA. Progress Settlement. Provides that the state appoint attorney for anyone whose conditional discharge is revoked.	ADA	
NH ^{3,2,3}	Cuming et al vs. Shaheen et al.	Jan. 2002	Closed (2003)	MR/DD ^a	Olmstead	Summary Complaint alleged that the state's failure to develop an adequate system of community support violated ADA. Progress Case dismissed.	ADA US Constitution State	
NJ ¹	NJ P&A Inc v. Waldman et al	1998	Closed	MR/DD	Olmstead	Summary Case claimed the state moved 9 people with MR/DD & history of violence from group homes to locked state facilities without notice or hearings. Progress Settlement. Provides that plaintiffs be moved to appropriate community placements.	ADA US Constitution	
NJ ^{2,23,32}	NJ P&A v. Davey	Apr. 2005	Open	Mental illness	Olmstead	Summary Class action alleges state has not developed comprehensive effectively working plan to transition unnecessarily institutionalized individuals from state facilities to HCBS. Progress Ongoing. For more information: http://www.drnj.org/litigation.htm To download a copy of the complaint: http://www.drnj.org/pdf/amended%20complaint.pdf To download a copy of the court's motion denying the motion to dismiss, go to: http://www.bazelon.org/pdf/NJP&A-MotToDismissDenied.pdf	ADA RSA State US Constitution	
NJ ^{3,32}	NJ P&A v. Davy	Sept 2005	Open	MR/DD	Olmstead	Summary Complaint alleges people with DD are unnecessarily institutionalized in publicly operated state developmental centers. Progress Ongoing. For more information: http://www.drnj.org/litigation.htm	ADA	
NJ ⁴	NJ P&A v. Velez	Apr 2008	Open	MR/DD	Olmstead	Summary: Plaintiffs filed a complaint alleging 8,000 people with disabilities and developmental disabilities have had their rights violated by the state because they have been waiting too long to move into Division-sponsored community housing. The lawsuit alleges the state is failing to meet its legal responsibility to provide housing for people who want or need to live outside of their family homes. The state had a waiting list, but few ever leave it unless a parent or other caretaker becomes ill or dies. Progress Ongoing For more information: http://www.drnj.org/litigation.htm		

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						To view complaint: http://www.drnj.org/pdf/Waiting%20List%20Complaint%20(Filed).pdf		
NM ^{12,21}	Jackson v. Fort Stanton Hospital & Training School	1990	Closed (1992)	MR/DD	Related	Summary Class action claimed unsafe conditions & lack of discharge plans for residents to state DD facilities. Progress Consent decree required closure of all state institutions & the last resident moved out in 1998. ²¹	Medicaid US Constitution	
NM ^{2,3}	Lewis et al. v. NM Dept of Health et al. *	Jan. 1999	Closed (Sep 2005)	HCBS	Olmstead	Summary Class action for people in institutions & people in the community seeking waiver services. Progress Complaint upheld. Court ruled that the state had not furnished services with reasonable promptness but did not require the state to expand its program to include the people on the waitlist because reasonable promptness only extends as far as there are available funds & slots. Court ordered state to allocate slots as soon as they are available, determine a person's eligibility within 90 days & provide waiver services within 90 days of finding eligibility.	ADA Medicaid	
NV ¹²	Parry v. Crawford	1998	Closed (1999)	MR/DD	Related	Summary Action on behalf of an individual with autism to prevent the state from denying Medicaid supported living services & counseling because plaintiff did not qualify for placement in an ICF/MR. Progress Complaint upheld	Medicaid	
NV ²²	Allen et al v. Crawford et al	1999	Closed (Aug 2002)	HCBS ^c	Related	Summary Class action alleging the state failed to provide adequate notice & services with reasonable promptness. Progress Settlement.	Medicaid	
NY ^{11,21}	Rodriguez v. City of NY	1996	Closed (Oct 1999)	MR/DD ^a	Olmstead	Summary & Progress Appeal Court held that the state did not have a duty to provide new PAS (safety monitoring) as well as other PAS already provided to plaintiffs with Alzheimer's & cognitive disabilities at risk of institutionalization. Appeal Court held that the plaintiffs had not been discriminated against as the same services were provided to mentally & physically disabled people & safety monitoring is not provided to any group.	ADA	Yes
NY ^{21,14}	Sanon v. Wing	1998	Closed (Feb 2000)	HCBS	Related	Summary A compilation of 3 cases whereby plaintiffs challenged termination of home health services & referral for nursing facility placement after the state determined home health was no longer cost-effective because it exceeded 90% of the average cost of a nursing facility. Progress Complaints upheld. Court prevented state from terminating the services as state failed to show that continuing to provide services would fundamentally alter its program. Court also found that Olmstead covers people with physical &/or sensory disabilities as much as mental or emotional disabilities ¹⁴ .	ADA Medicaid	Yes
NY ³²	Bernard v. Novello	2000	Closed	HCBS	Related	Summary Case challenged inadequate personal care & home health aide services. Progress Settlement	ADA Medicaid US Constitution State	Yes
NY ⁴⁵	Henrietta v. Bloomberg	2001	Closed (June 2003 ⁷)	HIV/other	Related	Summary and Progress Court of Appeals ruled it was not a fundamental alteration to order NY to reform its state agency charged with assisting people with HIV to gain access to necessary services.		
NY ⁵³	Disability Advocates, Inc. v. Paterson	Jul. 2003	Open	Mental Illness	Olmstead	Summary Class action about service quality & unnecessary institutionalization. It demands the expansion of supported housing & better conditions in adult homes. Progress Ongoing.	ADA RSA	

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						For more information: http://www.bazelon.org/incourt/docket/dai.html To download a copy of the plaintiff's complaint, go to: http://www.bazelon.org/issues/disabilityrights/incourt/nycomplaint/finalcomplaint.pdf		
NY ^{6,23}	William G et al v. Pataki et al	Oct. 2003	Open	Mental illness	Olmstead	Summary Class action on behalf of people with mental illness & chemical addiction living in NY city jails alleging they have been discriminated against because other individuals who have chemical addiction but no/minor mental illness are released to community treatment programs more quickly. Progress Ongoing.	ADA RSA	
NY ⁷	Joseph S. v Hogan	Mar 2006	Open	MR/DD Mental illness	Olmstead	Summary Plaintiffs claim that persons with MR/DD and mental illness were discharged from hospitals directly into nursing homes, with no services provided for in-home and community care. Progress Ongoing.	ADA RSA NHRA	
OH ^{1,2,3,23}	Martin et al v. Taft et al	1989	Closed (2008)	MR/DD	Olmstead	Summary Complaint that state failed to provide integrated residential services to all eligible people with developmental disabilities and waiver wait list was not moving at a reasonable pace. Progress Case dismissed.	ADA Medicaid/SSA	
OH ^{2,3}	Nickolaus Thompson & OH Provider Resource Association et al v. Hayes et al	Jun. 2003	Closed (Sep 2003)	MR/DD	Related	Summary Case (brought by private providers of services for people with developmental disabilities) alleging the state is not ensuring that Medicaid services are administered uniformly across counties. Progress Court ordered providers to either make new, mutual contracts or continue to operate under existing contracts until agreement was reached. CMS was asked to give technical assistance to facilitate the change in contracting rules	Medicaid	
OK ^{2,3,23}	Fisher et al v. Oklahoma Health Care Authority et al	Oct 2002	Closed (Nov 2003)	Physical Disability	Related	Summary Class action (including seniors, people with disabilities & advocacy organizations) challenging the state decision to limit the number of prescribed medications that HCBS waiver participants could receive, arguing that this would force plaintiffs into institutions ⁵ Progress Settlement. State policies were revised to allow waiver participants to have up to seven generic prescriptions and all Medicaid beneficiaries six per month. Individuals who need additional prescriptions will have the option to request them via a prior authorization process.	ADA RSA Medicaid	
OR ^{1,2,3}	Staley et al v. Kulongoski et al	Jan. 2000	Closed (Dec 2000)	MR/DD	Olmstead	Summary Complaint alleged the state was not providing services in the most integrated setting to eligible individuals with developmental disabilities with 'reasonable promptness'. Progress Settlement. Due to changes in state revenues, Court approved a modified settlement agreement proposing a slower rate of expansion & change (to 2011). ¹²	ADA RSA Medicaid US Constitution	
OR ^{2,3,23}	Miranda B et al v. Kulongoski et al *	Dec. 2000	Closed (Mar 2004)	Mental Illness	Olmstead	Summary Class action for plaintiffs in a state psychiatric hospital despite being assessed as suitable for community placement. Progress Settlement The state will create 75 community placements and establish a special \$1.5 million fund to facilitate the community integration of eligible individuals by June 2005.	ADA RSA US Constitution	
OR ³	Watson et al v. Weeks et al	Feb. 2003	Open	HCBS	Related	Summary Case challenging lost eligibility for waiver services after the state narrowed eligibility for long-term care services by raising the threshold for assessed functional impairment necessary to qualify for services. Services have resumed for some levels of need. Progress Case dismissed but under appeal	ADA Medicaid	

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PA1 ^{19, 21}	Easley v. Snider *	1991	Closed (Sep 1994)	HCBS	Related	Summary Case regarding 2 individuals, one with TBI, one with multiple sclerosis & mental illness. Both were denied access to the state attendant care program as they cannot hire/supervise attendants or manage legal/financial affairs. Progress Court found their inclusion would be a fundamental alteration & is not “state discrimination ...it is a case where an additional handicap...renders participation in the program ineffectual” Further details http://www.cms.hhs.gov/smdl/downloads/smdl072998.pdf	ADA	
PA2 ¹¹	Nelson v. Snider*	n/a	Closed (1994)	MR/DD	Related	Summary This successful case is lauded ¹¹ (along with Richard C. v. Houstoun, PA9) as a key influence in the development of deinstitutionalization efforts in Pennsylvania.		
PA3 ³	Helen L v. Dedario*	n/a	Closed (Feb 1995 ⁷)	Mental Illness	Related	Summary The plaintiff was confined to a nursing facility even though it was determined that she could live in the community with PAS ^{5,10} . Progress Court ruled the state's failure to provide services in the most integrated setting violated the ADA & the provision of waiver services would not fundamentally alter the nature of the program.	ADA	Yes
PA4 ^{2,13}	Greist v. Norristown State Hospital	1996	Closed (1997)	Mental Illness	Related	Summary Case regarding individual found not guilty of murder by reason of insanity & committed to state hospital. Plaintiff sued the hospital for extending his commitment & not treating his dyslexia in a more integrated setting. Progress Court ruled the plaintiff was not a qualified person under the ADA since he had been assessed as dangerous & to treat him in the community would be a fundamental alteration of the state program.	ADA	
PA5 ³	Charles Q v. Houstoun*	1996	Closed (1997)	MR/DD & Mental Illness	Related	Summary In this class action, the court ruled favorably for patients in a state psychiatric hospital who had a dual diagnosis & were seeking treatment in the community. ¹⁰	ADA	
PA6 ²	Kathleen S v. Dept of Public Welfare *	1998	Closed	Mental Illness	Olmstead	Summary Case regarding people living in the state hospital despite being assessed as eligible for community placement. Progress Settlement	ADA	
PA7 ³	Elizabeth M et al v. Houstoun	1999	Closed	HCBS	Related	Summary Class action regarding waitlists (filed by the Disability Law Center).		
PA8 ³	Gross v. Houstoun	1999	Closed	HCBS	Related	Summary Case regarding waitlists (filed by the Disability Law Center). Progress Lawsuit withdrawn after the Governor announced a plan to reduce the waiting list.		
PA9 ^{2,21}	Richard C. v. Houstoun	1989	Closed (Jul 2000)	MR/DD	Olmstead	Summary Lawsuit by families of people with DD who were to be moved out of a facility that was to be closed. Progress Court ruled that Olmstead did not mean that people have the right to stay in institutions if they refuse HCBS	ADA	
PA10 ^{3, 23}	PA P&A v. Dept of Public Welfare et al	Sep. 2000	Closed (Dec 2005)	Mental illness	Olmstead	Summary Case regarding residents of a state nursing facility for seniors. Plaintiffs sought to remove eligible persons from the institutions into HCBS settings. Progress Settlement. The state will evaluate residents of the nursing facility to see if they are appropriate for discharge to the community.	ADA RSA	
PA11 ^{2,3}	Delong et al vs. Houstoun	Oct. 2000	Closed (Oct 2002)	MR/DD	Related	Summary Class action about a limit on the number of individuals served through the Person/Family-directed Supports waiver. Progress Settlement. Provides that the state will request funding to serve the number of individuals authorized in the waiver program.	Medicaid	

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PA ^{12,23}	Frederick L et al v. Dept of Public Welfare et al. *	2001 ²	Closed ³⁸	Mental illness ⁸	Olmstead	Summary Class action regarding plaintiffs institutionalized in state hospital despite recommendation for community placement. Progress Settlement. The state submitted a four-year plan regarding the community placement of Norristown State Hospital	ADA RSA	
PA ¹³	Network for Quality MR Services in PA v. Dept of Public Welfare	Mar. 2002	Closed (Jul 2003)	MR/DD ^a	Related	Summary Case brought by a coalition of agencies providing services to individuals in ICF/MR &/or the HCBS waiver program for people with MR/DD, which asks the court to order that direct care staff costs are reimbursed & updated. Progress Case dismissed	Medicaid State State constitution	Yes
PA ^{14,23}	Sabree et al v. Richman *	May. 2002	Closed (Sep 2005)	MR/DD ^a	Related	Summary Plaintiffs are waitlisted for ICF/MR services & filed this case in response to a proposed reduction of funds for reducing the community services wait list. Progress Settlement	Medicaid	
PA ¹⁵	Alexander v Rendell	Jan 2006	Closed (Jan 2009)	MR/DD	Olmstead	Summary Plaintiffs were resident of ICF/MR which the state wants to close. Plaintiffs contend that moving them to another ICF/MR or to a HCBS setting would violate Olmstead's "most integrated setting" rule. Progress Case dismissed	ADA Medicaid RSA	
RI ¹¹	King v. Sullivan	1989	Closed (1991)	MR/DD ^a	Related	Summary Class action alleged the state failed to fund sufficient small resident places for people in need of ICF/MR services. Progress Complaint dismissed		
RI ¹²	King v. Fallon	1990	Closed (1992)	MR/DD ^a	Related	Summary Case alleged that the state was acting unlawfully by failing to fund sufficient private & small public ICF/MR facilities for adults with mental & physical disabilities. Progress Complaint dismissed. Court found the state was not violating 'reasonable promptness' because it was providing placements in large ICF/MRs.		
SC	No cases found							
SD	No cases found							
TN ¹	People First of TN v. Arlington Developmental Center	Dec. 1991 ⁹	Closed	MR/DD ^{a,7}	Related	Summary Class action alleges unnecessary institutionalization of people in residential facilities. The allegations regarded the same facilities cited in USA v. State of TN & the cases were considered together ⁹		
TN ²	USA v. State of TN	Jan. 1992 ⁹	Closed (1994 ⁹)	MR/DD ^{a,7}	Related	Summary Plaintiff's allegations about facilities cited in People First of TN v. Clover Bottom et al (TN3) & were considered with that case ⁹ . Progress Settlement		
TN ³	People First of TN v. Clover Bottom	Dec. 1995	Closed (1996)	MR/DD ^a	Related	Summary Class action brought against one of the state's residential facilities. Progress Settlement		
TN ^{4,23}	Newberry et al v. Goetz et al	Dec 1998	Closed (2003)	HCBS ^c	Related	Summary Class action alleged state unlawfully denied home health to waiver participants in order to hold down costs and caused them to be unnecessarily institutionalized Progress Settlement. The state agreed to remove any planned restrictions on home health services to waiver participants and to develop HCBS waiver alternatives to nursing facilities.	ADA Medicaid/SSA	
TN ^{5,23}	Brown et al v. TN Dept of Mental Health & Dev. Disabilities	Jul. 2000	Closed (Jun 2004)	MR/DD ^a	Olmstead	Summary Class action about lack of reasonable promptness in furnishing ICF/MR or waiver services to eligible individuals. Progress Settlement The state agreed to form a new Self-Determination HCBS waiver to serve the individuals placed on the wait list as part of the settlement. Also, people who remain on the wait list are to receive \$2,280 per year in "consumer-directed support." The state is to make additional improvements in their service infrastructure to this population as part of	ADA Medicaid	

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						the settlement.		
TN ⁶	Rukeyser & People First of TN v. Neal et al	Mar. 2001	Closed (Feb 2004)	MR/DD ^a	Olmstead	Summary Class action regarding wait list & people at risk of institutionalization ¹¹ . The complaint alleged the state gives insufficient attention to a backlog of people, committing new resources to placing residents out of state institutions to comply with court orders from other lawsuits (People First v. Clover Bottom & USA v. State of TN). Progress Settlement	ADA Medicaid US constitution IDEA	
TN ⁷	Crabtree et al v Goetz et al	Sept 2008	Open	HCBS	Olmstead	Summary Plaintiffs with varying levels of disability filed suit to prevent cuts in Home Health care hours which would result in reduced services and eventual forced institutionalization. Progress Preliminary injunction granted to plaintiff to suspend cuts in Home Health services until further evaluation is made.	ADA Medicaid RSA	
TX ^{1, 16}	Frew et al v. Hawkins et al	1993	Closed (Feb 2004 ⁷)	Children	Related	Summary Case alleging the state was not meeting obligations to furnish EPSDT services to children. Progress Consent decree.	Medicaid	
TX ²	Doe & Doe v. Hall	1998	Closed (1999)	Mental Illness	Related	Summary Case alleging the lack of minimally adequate crisis intervention services had lead to the state incarcerating individuals while they await transportation to mental health services. Progress Complaint upheld.	ADA Medicaid US Constitution State	
TX ³	Charles M v. Hale	1998	Closed	HCBS ^c	Related	Summary Case challenges state policy of denying Medicaid community services to anyone whose needs exceed 95% cost of nursing home care, rather than providing 95% of services. Progress Settlement. Provides for waiver & provision of Medicaid Home Health services.	ADA Medicaid	
TX ⁴	Alberto N et al v. Don A. Gilbert	1999	Closed (2002)	HCBS ^c	Related	Summary Case alleged state Medicaid denies children medically necessary EPDST services & puts them at risk of institutionalization. Progress Settlement. The state to change policies and provide EPDST services & information.	ADA Medicaid	
TX ⁵	Private Providers Association of TX v. TX Health & Human Services Commission et al	Jan. 2002	Open	MR/DD ^a	Related	Summary Class action brought by service providers when the state failed to change its ICF/MR & HCBS waiver payment system so that it could periodically update (rebase) payments to account for changes in cost. Payments were adversely affected & non-state payments were different to state operated services' payments. Progress Ongoing		
TX ^{6, 23}	McCarthy et al v. Hawkins et al	Sep. 2002	Open	MR/DD ^a	Olmstead	Summary Class action (brought by Arc of TX & 11 individuals living with their families or in ICF/MRs) asking for expansion of HCBS waiver. Progress Ongoing.	ADA Medicaid US Constitution RSA	
UT ^{1, 23}	M.A.C. v. Betit	Dec. 2002	Open	MR/DD ^a	Related	Summary Class action (brought by 9 individuals & Arc of Utah) concerning 1,300 individuals waitlisted for services. Progress Ongoing.	ADA RSA Medicaid	

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State	Lawsuit Summary Title ⁱ	Date Filed	Case Status	Primary Target Group	Case Type	Case Summary & Further Details	Laws invoked	Concerns PAS provision
VA1 ³	Quibuyen v. Allen & Smith	Dec. 2000	Closed (Sep 2001)	HCBS ^c	Related	Summary Class action alleged the state impermissibly waitlisted individuals enrolled in the HCBS waiver. One factor in this action was a Dept. of Medical Services directive restricting new/expanded services to individuals who can no longer remain in the family home due to caregiver incapacity or other critical situations. Progress Case dismissed. The state agreed to change its policies so that individuals receive all the services they are determined to require.	ADA Medicaid	
VA2 ^{2,33}	Virginia Office of Protection & Advocacy v. Brice Enterprises	2004	Closed (Feb 2005)	MR/DD ^a & mental illness	Related	Summary Complaint regarding abuses at an assisted living facility. Although this case does not invoke an ADA integration mandate claim, one of the abuse claims is regarding failure to provide discharge planning to assist individuals to live in the community. Progress Settlement. The terms of the settlement entails Brice's Villa, an assisted living facility, to do the following: increase training for staff on medication administration and emergencies; complete medication administration records in a timely and accurate manner; retain a registered nurse to monitor medication administration; retain a pharmacist to review and certify a monthly inventory of medications and needles; retain a healthcare professional responsible for oversight of the facility; improve screening procedures of residents and report critical incidents of residents.	State	
VT	No cases found							
WA1 ¹⁷	Bosteder v. Soliz	n/a	Closed (Feb 1994)	Mental Illness	Related	Summary Case found that the exclusion of people with mental disabilities from eligibility for Medicaid personal care services violates the ADA ²⁰ .		
WA2 ²	Allen et al. v. WA State Hospital	1999	Closed (Dec 1999)	MR/DD ^a & mental illness	Olmstead	Summary Class action regarding patients in a state psychiatric hospital who have been denied opportunities for discharge. Progress Court order requires a new system of services for people with mental illness &/or DD & plan to discharge residents to most integrated settings appropriate.	ADA	
WA3 ^{3,23}	The Arc of WA State et al v. Braddock	Nov. 1999	Open	MR/DD ^a	Olmstead	Summary Case regarding waitlists & lack of access to additional services for Medicaid recipients. Progress Ongoing	ADA Medicaid	
WA4 ^{2,3,23}	Townsend v. Quasim *	2000	Closed (Jan 2004)	Physical disability ⁵	Olmstead	Summary Class action challenges change in eligibility limits for a HCBS waiver. Medically needy people (who have higher incomes) became ineligible to participate but eligible for nursing facilities. Progress Settlement. The state secured reinstatement of medically needy to a HCBS waiver. The new waiver was implemented in June 2004 with limits to services to no more than 200 individuals.	ADA Medicaid/SSA	
WA5 ²	Rust v. WA State Hospital	2000	Closed (2001)	Mental Illness	Olmstead	Summary Class action regarding the treatment & conditions of care for patients receiving forensic services in a state hospital. Progress Court ordered state to ensure patients receive improved treatment & in the most integrated setting appropriate	ADA US Constitution State	
WA6 ³	Boyle v. Braddock	Dec. 2001	Open	HCBS ^c	Related	Summary Case about failure to provide or make full range of services available on HCBS waiver. Progress Ongoing.	Medicaid US Constitution	
WA7 ²	Marr et al v. Eastern State Hospital et al	Dec 2001	Closed (Nov 2002)	Mental illness, MR/DD ^a .	Related	Summary Class action challenging inadequate services in state hospital & lack of community support for residents. Progress Settlement. Provides for quality assurance in hospital, improved discharge process, identification of class members who have mental health needs in the community.	ADA US constitution	
WA8	Pfaff v Washington	May 2007	Closed	HCBS	Related	Summary A consolidation of three cases alleging that the WA Shared Living Rule (which paid PAS providers living with the recipients 15% less than those who did not live with the recipients) was unconstitutional. Progress Court found that there		

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State	Lawsuit Summary Title ¹	Date Filed	Case Status	Primary Target Group	Case Type	Case Summary & Further Details	Laws invoked	Concerns PAS provision
						was violation but case was dismissed as the state rescinded the Share Living Rule during court proceedings.		
WI ²³	Nelson et al v. Milwaukee County et al	2004	Open	Physical disability	Olmstead	Summary Class action lawsuit involving Wisconsin's Family Care program, a program operated under 1915(b) and 1915(c) HCBS waivers. Plaintiffs claim that low provider payments in the programs force providers to leave the programs and so force consumers into institution. Progress Ongoing.	ADA Medicaid State US Constitution	
WV ¹¹	Medley v. Ginsberg	1979	Closed (1981)	MR/DD ^a	Related	Summary West Virginia eliminated state institutions for persons with developmental disabilities as a result of the court orders in this case. Progress Settlement		
WV ²³ , 23	Benjamin H et al v. Ohl *	Apr. 1999 ⁵	Closed (Aug 2002)	MR/DD ⁸	Olmstead	Summary Class action alleged state failed to provide Medicaid long-term care with reasonable promptness. Case demonstrates eligibility for ICF/MR services extends to HCBS & that states need to show "more than that [it]... has not appropriate enough funding" ⁹ . Progress Settlement. Court ordered state to develop a plan to eliminate waiting lists & make other improvements. State agreed to increase the number of individuals with developmental disabilities who receive HCB waiver services by 875 over a five-year period in 2000. The state also agreed to revise their procedures regarding giving timely notice to applicants for services.	ADA Medicaid	
WY ^{11,34}	Chris S. v. Geringer	1994	Open	Mental Illness	Related	Summary Case challenging conditions at a hospital & insufficient HCBS Progress Settlement to create a partnership process (including advocates) to monitor & recommend systems change. To download the settlement agreement, go to: http://attorneygeneral.state.wy.us/SettlementAgreement4.pdf		

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The main source of information for each case is indicated by the code for the state (for example PA3¹). Where information for this case has been supplemented by data from another source, the source is referenced specifically in the column.

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Notes

*Indicates that the case is important in the development of the law that the case invoked.

The type of case can be either:

Olmstead A *Olmstead*-type complaint regarding community integration. These are cases which are: (1) started, decided or closed after the *Olmstead* decision in 1999; and (2) primarily about community placement of institutionalized people and/or people at risk of institutionalization. The cases are likely to cite the *Olmstead* decision and/or the Americans with Disabilities Act or

Related. The case involves issues related to *Olmstead* but either (1) does not satisfy the criteria of an *Olmstead* case or (2) there is insufficient data or not enough specific data in the sources to classify the case. Complaints in this category are likely to be about Medicaid policy or programs and cite a violation of Medicaid law as the primary complaint. Examples could be limits on Medicaid HCBS (such as complaints regarding state budgets for services) and access to home and community-based services (such as complaints about waiting lists for waiver slots).

n/a denotes where information is not available from the sources used.

Acronyms

ADA The Americans with Disabilities Act

CMS Center for Medicare and Medicaid Services

EPSDT Medicaid Early and Periodic Screening, Diagnostic and Treatment program. This requires all states to cover all necessary care for children, regardless of whether the benefit is covered in the state plan for adults. (Rosenbaum, 2002, p.2)

HCBS Home and Community-Based Services.

HCFA Healthcare Financing Administration

HIV/other. People with HIV/AIDS or people with other physical conditions such as a substance use problem.

MR/DD Mental retardation or developmental disabilities

PAS Personal Assistance Services

PASRR Pre-admission screening and resident review provision of the Nursing Home Reform Act

P&A Protection and Advocacy Agency

TBI/SCI Traumatic brain injury or spinal cord injury (also individuals with neurological disability or acquired brain disorder).