

Judge Halts Health Cuts to Seniors, Disabled

By Evan George
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A federal judge in Oakland blocked state officials from slashing in-home health services to 130,000 seniors and disabled patients on Monday, two weeks before the cuts were to take effect.

Gov. Arnold Schwarzenegger and the Legislature hoped to save \$137 million a year from the reductions.

The cuts targeted aid to elderly and mentally ill people who cannot handle daily tasks like taking medications and cooking, but are not sick enough to be institutionalized.

State officials must now keep the In-Home Health Support Services program operating at current levels, U.S. District Court Judge Claudia Wilken said Monday from the bench.

Finding the state's method for determining which services to cut was likely to violate federal law, Wilken converted a restraining order she temporarily granted last week into a preliminary injunction that bars the Department of Social Services from downsizing in-home health services.

State officials argued last week reversing cuts would be nearly impossible and would have to be done at the county level, costing \$600,000 in Los Angeles County alone. Now the issue is how to most efficiently halt the cuts.

Melinda Bird, senior counsel for Disability Rights Advocates, said the ruling will prevent thousands of sick and elderly Californians from flooding emergency rooms or be-



Associated Press

In-home health care workers protest proposed state budget cuts in the Capitol in May.

ing permanently institutionalized.

"The level of human suffering that was possible was on a scale that I'd certainly never seen," Bird said.

The cuts were expected to reduce services to 90,000 Californians and drop 40,000 more patients from receiving any services at all.

The Legislature passed the cuts as part of the long-overdue budget in July that sought to close a \$24 billion deficit.

California officials in charge of carrying out the reductions argued

they would be done fairly, snipping away the least necessary services first. Cuts would have been based on functional assessments of each patient made by social workers.

The class action alleged the cuts are biased and violate federal law, including the Americans with Disabilities Act. Disability Rights California brought the challenge along with Disability Rights Legal Center, National Senior Citizens Law Center, the National Health Law Program, and four unions that represent home care workers,

including the Service Employees International Union.

It's the second time this year some of those groups have successfully fought the state's efforts to trim the program. The first battle was over an effort to reduce salaries for in-home health care workers.

Wilken is expected to issue a formal order explaining her legal rationale for the injunction within two days, lawyers said.

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