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California's protection and advocacy system

PRESS RELEASE

FOR IMMEDIATE RELEASE

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Judge Halts Cuts to Adult Day Health Care (ADHC): Victory for 8000 elderly Californians with disabilities

OAKLAND, September 11—"I am so happy and grateful to Judge [Saundra Brown] Armstrong... this means the world to my aunt and me," cried Chauncey McLorin, when she heard on Thursday afternoon that her aunt, Lillie Brantley, 84, can continue to attend her Adult Day Health Care program Mondays through Fridays. The September 10 order of the U.S. District Court for the Northern District of California granted an injunction bringing to a halt the ADHC funding cuts slated to take effect this week.

The motion was brought as a class action case on behalf of Californians who are elderly and have disabilities (*Brantley, et al v. Maxwell-Jolly, Director, California Department of Health Care Services, et al.*) by attorneys with Disability Rights California, AARP Foundation Litigation, the National Senior Citizens Law Center, and supported by the National Health Law Program.

Adult Day Health Care provides skilled nursing, personal care, social services, therapy, and nutritional counseling.

The injunction states that reducing these services from a maximum of 5 to no more than 3 days per week will increase the likelihood of nursing home placement and hospitalization of the 8000 program participants attending four and five days per week. These people have complex medical needs which are being met only through ADHC.

“This is a huge victory for the thousands and thousands of frail and elderly Californians who had been told that their therapy and specialized services were being cut this week,” noted Sarah Somers of the National Health Law Program.

“We applaud this ruling recognizing that these Californians with disabilities could suffer irreparable harm from the reduction of critical services,” said Attorney Elizabeth Zirker of Disability Rights California.

Barbara Jones of AARP Foundation Litigation continued, “The judge also noted that the defendants had taken a... cavalier approach to ensuring continuing compliance with the Americans with Disabilities Act and the Rehabilitation Act... . Defendants have failed to ensure that there are any measures in place so that the transition from ADHC service to alternatives services is seamless.”

Anna Rich of National Senior Citizens Law Center stated that “this critical program serves over 37,000 Californians facing significant disabilities resulting from conditions such as Alzheimers’ disease, unstable diabetes and post-stroke, and keeps frail seniors and younger disabled individuals at home and with their families.”

More details are posted on the following website:

www.DisabilityRightsCa.org