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LAGUNA HONDA RESIDENTS SUE SAN FRANCISCO FOR DISCRIMINATION

SAN FRANCISCO – Six residents of Laguna Honda Hospital, joined by the Independent Living Resource Center (ILRCSF) in San Francisco, filed a class-action lawsuit, *Mark Chambers et al. v. City and County of San Francisco*, in federal court to challenge San Francisco’s discriminatory actions resulting in their unnecessary confinement at Laguna Honda Hospital, a more than 1,000- bed nursing facility owned and operated by the City. The plaintiffs are capable of, and would prefer to live in their own homes or in the community.

“I am 47 years old and have been at Laguna Honda for seven years,” said Mark Chambers, the lead plaintiff and a computer systems manager before suffering a head injury. “I don’t want to spend the rest of my life here. I want to be part of the world outside.”

San Francisco’s actions violate the **Americans with Disabilities Act (ADA)**, which requires that individuals with disabilities be provided services in the “most integrated setting appropriate” to their needs. The U.S Supreme Court affirmed this right in *Olmstead v. L.C.* in 1999, concluding that unnecessary institutionalization violates the ADA.

Ironically, San Francisco now boasts a new, state-of-the-art, community-based housing and Adult Day Health Care (ADHC) Center. The Mission Creek Day Health opened on May 1, 2006 and offers adult day health care programs for seniors and people with disabilities and is partnered with Mission Creek Senior Community, a residential housing facility. Mission Creek Day Health is a cost-effective alternative to nursing home care and a preventative health service for frail elders or adults with chronic, disabling conditions who are at risk of institutionalization placement.

“Laguna Honda is out of step with the choices people would make if they truly had a choice; and the direction the rest of the country is taking to reduce the use of nursing homes,” according to Herb Levine, Director of the Independent Living Resource Center, the organizational Plaintiff. “There are better choices than Laguna Honda to provide San Franciscans with the highest quality life options.”

In a partial settlement of a prior class action lawsuit against San Francisco, *Davis et. al. v. CHHSA et al.*, San Francisco assessed and developed discharge plans for all current and potential Laguna Honda residents.

“Laguna Honda residents continue to be unnecessarily institutionalized in violation of the ADA. San Francisco’s own assessments show that approximately 80% of Laguna Honda residents could leave if they were offered services and housing in the community, and at least half of the residents prefer to live in the community,” said Elissa Gershon of Protection and Advocacy, Inc., one of the attorneys for Plaintiffs.

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“Not only is San Francisco violating the law by institutionalizing people whom it has assessed as not wanting or needing to be at Laguna Honda, but San Francisco plans to perpetuate this discrimination for generations to come by building a potentially larger Laguna Honda,” according to Arlene Mayerson of the Disability Rights Education and Defense Fund, one of the attorneys for Plaintiffs.

The Laguna Honda rebuild will cost taxpayers at least \$600 million to construct and presently \$180 million a year to operate, including \$48.7 million per year from San Francisco’s General Fund. This represents a 30% increase in the past three years.

“San Francisco is spending enormous sums to keep more than 1,000 people at one of the nation’s most costly institutions instead of using those dollars to provide the housing and services they need to live independently,” said Jennifer Mathis of the Bazelon Center for Mental Health Law, an attorney for the plaintiffs.

Individual Plaintiffs are individuals with disabilities, all of whom have resided at Laguna Honda for one to 26 years. The services they would need in order to be discharged based on an assessment by San Francisco include: affordable, accessible housing; case management; assistance with meals and money management; transportation; primary health care; and mental health services. All of these services are or could be made available in San Francisco, but have not been provided to the Plaintiffs.

“Most seniors want to live in their own homes as long as possible,” said Bruce Vignery from AARP, one of the attorneys for Plaintiffs. “When seniors have a choice, they don’t choose to live in nursing homes.”

The Independent Living Resource Center of San Francisco (ILRCFSF) is a nonprofit organization that advocates for the rights of people with disabilities and provides services to help them live as independently as possible in the community and in their homes.

Protection & Advocacy, Inc., is the lead counsel, with co-counsel from Disability Rights Education and Defense Fund, AARP Foundation Litigation, the Bazelon Center for Mental Health Law, and the law firm of Howrey LLP.

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