

For Immediate Release
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Lawsuit Filed Challenging New York's Placement of Individuals With Mental Illness in Nursing Homes

NEW YORK, NY – March 7, 2006 – A group of legal advocacy organizations today filed a lawsuit in the Eastern District of New York challenging the improper placement of individuals with mental illness in nursing homes. Hundreds of New York residents with mental illness, but no need for nursing care, have been discharged from New York State psychiatric hospitals to nursing homes in and around New York State, the suit alleges. While in the nursing homes, most of these individuals live in locked wards and receive grossly inadequate psychiatric and social work care.

The lawsuit resulted from a year-long investigation conducted by New York Lawyers for the Public Interest, Inc., Disability Advocates, Inc., Mental Hygiene Legal Service, Second Department, and Schiff Hardin LLP. This investigation found that hundreds and possibly thousands of New York residents, many in their thirties, forties, and fifties, have been sent from New York psychiatric hospitals to nursing homes rather than to integrated community settings which would offer more appropriate levels of care. Many of them are discharged to nursing homes in New Jersey, including two facilities that each house several hundred New York residents with mental illness.

Rebecca Price, Staff Attorney at New York Lawyers for the Public Interest, Inc. stated: “The people we met wanted the same things in life as anyone would: easy access to family and friends, freedom to take a walk, go to a movie, have a job. None of these options are available in nursing homes.”

Edwin T., the lead plaintiff in the lawsuit, is a 38 year-old man who was discharged in May 2004 from Creedmoor Psychiatric Center in Queens Village, New York to Andover Subacute and Rehabilitation Center, II, Inc. in Andover, New Jersey. He has no medical condition requiring him to be in a nursing home. At Andover, he resides on a locked floor with two roommates and is permitted to go outside only at designated times of the day to smoke or to play basketball. Edwin would like to live in a community-based setting in New York and feels he is capable of doing so.

“It’s tragic that the State of New York is warehousing individuals with mental illness in nursing homes who have no need to be there,” said Cliff Zucker, Executive Director of Disability Advocates, Inc., “New York can provide community-based housing and care for these individuals for far less than it spends on unneeded institutional care.”

Schiff Hardin, LLP, a private law firm, filed the lawsuit along with Disability Advocates, Inc., New York Lawyers for the Public Interest, Inc., and Mental Hygiene Legal Service on behalf of the hundreds of individuals with mental illness placed in nursing homes without medical need for nursing home care. The lawsuit asserts claims under the federal Americans with Disabilities Act and the federal Nursing Home Reform Act and demands that the State of New York place individuals with mental illness in settings appropriate to their clinical condition, rather than the highly restrictive environment of a nursing home. Lori Greendorfer, a counsel in Schiff Hardin's New York office stated: "Our complaint and the record we will establish at trial will demonstrate that significant wrongs have been done to people who have a mental illness -- people who deserve far better consideration and compassion. We can think of no rational basis for the State's actions and omissions with respect to these people. It is too bad that the only apparent solution is litigation."

This lawsuit follows an earlier lawsuit brought by Mental Hygiene Legal Service, Second Judicial Department in which the group had sought and been refused access to nursing homes in New York to which individuals with mental illness had been discharged. Dennis Feld, Deputy Director of Special Litigation and Appeals Unit for the Mental Hygiene Legal Service, Second Judicial Department said "MHLS sees this litigation as part of its continuing commitment to those individuals with mental illness who may likely be or already have been discharged from New York State psychiatric facilities to nursing homes, to protect their rights to liberty, personal autonomy, and reintegration into the community, all rights which these individuals may lose or have lost by virtue of their inappropriate transfers to nursing homes."

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