

FEDERAL JUDGE BLOCKS CUTS SEPTEMBER 9TH TO ADULT DAY HEALTH SERVICES

Major Victory for Disability and Senior Rights Advocates – Judge Says Cuts Likely In Violation of Federal Americans With Disabilities Act and Section 504 of the Federal Rehabilitation Act

SACRAMENTO, CALIF (CDCAN) Updated 09/010/09 6:22 PM (Pacific Time) - In a major victory for disability and senior rights advocates, a federal district court judge September 9, 2009 issued an order blocking California's budget reductions to Adult Day Health Care services, saying that the cuts would likely be in violation of the federal Americans with Disabilities Act and Section 504 of the federal Rehabilitation Act. Federal District Court Judge Saundra Brown Armstrong issued a preliminary injunction – or temporary order – to stop the cuts until appropriate replacement services are in place.

The case was filed on behalf of persons who use Adult Day Health Services, by Disability Rights of California (formerly Protection and Advocacy, Inc), the National Seniors Law Center and AARP Foundation Litigation.

Major cuts to adult day health services were made as part of the revised 2009-2010 State Budget passed by the Legislature and signed by the Governor in late July in a budget trailer bill (called that because it follows or trails the main budget bill), ABx4 5 (the "x4" stands for the 4th special or extraordinary session) that covered changes to state law to implement health related reductions.

The federal Judge's Order (copy of the entire 24 page order is available on the CDCAN website at www.cdcan.us <<http://www.cdcan.us/>>

- Plaintiff's motion for a preliminary injunction is granted.
- Defendants David Maxwell-Jolly, director of the Department of Health Care Services and other representatives of the department are hereby "enjoined and restrained" from "implementing or enforcing ABX4 5 [the health budget trailer bill – the "x4" stands for 4th special or extraordinary session], codified at Welfare and Institutions Code section 14132(p), or reducing, terminating or modifying Medi-Cal Adult Day Health Care (ADHC) program benefits to the Plaintiffs and putative Class Members from four or five days per week, to a maximum of three days per week, pursuant to ABX4 5, unless and until appropriate alternative Medi-Cal services are provided to prevent inappropriate institutionalization in violation of their rights under the ADA and Section 504 of the Rehabilitation Act.
- Defendants [Department of Health Care Services] are hereby ordered to do the following:
 - a. Take all actions necessary within the scope of their authority to implement the above injunction;
 - b. Provide prompt notice to all Adult Day Health Care program providers of the terms of this Preliminary Injunction; and
 - c. Provide prompt notice to all recipients of four or five days per week of Adult Day Health Care program services of the terms of this Preliminary Injunction.