

LEGAL AID SOCIETY

OF MIDDLE TENNESSEE AND THE CUMBERLANDS

Information for Release

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COURT ALLOWS ADDITIONAL DISABLED PERSONS TO JOIN SUIT CHALLENGING CUTS IN HOME HEALTH SERVICES

NASHVILLE, Tenn. June 29, 2009. In a decision released on June 23rd, a federal court has allowed four new disabled persons to join a suit that is seeking to block statewide cuts in home health care.

In September 2008, the state drastically reduced the amount of home health services available to severely disabled persons throughout Tennessee. About 50 persons affected by these cuts filed a suit in federal court to block them. The suit, Crabtree et al. v. Goetz, asked the court for an injunction to block the cuts. The court blocked or reduced the cuts, but only for the persons named in the suit. In today's order, the court blocked or reduced cuts for four more people who applied to join the suit.

In his ruling, Judge William J. Haynes, with the U.S. District Court for the Middle District of Tennessee in Nashville, found that the cuts might cause a "detrimental effect on the plaintiffs, including mental depression, a shorter life expectancy, or death." He urged the state to assess each case individually, and not try to make blanket cuts for everyone.

Plaintiffs are represented by six attorneys – two with the National Health Policy Center, in Washington, D.C. and North Carolina, two private attorneys in Philadelphia, Pennsylvania and Nashville, Tennessee, and two attorneys with the Legal Aid Society, in Nashville and Oak Ridge, Tennessee.

In announcing the decision, Legal Aid Society Katie Evans in Nashville explained, "we are especially pleased that the court recognized the need to assess each person's case individually." The state is making the cuts because it says putting these people in nursing homes would be cheaper, attorney Evans explained. "The families we represent know that every community does not have a nursing home that can take care of someone who needs 24-hour care. Such care in a nursing home may be more expensive than home health care. And, of course, such placements would take people away from their families and communities and move them into institutions where they may not be able to get the care they need."

Ms. Evans added that anyone who looked at the disabilities these plaintiffs have would agree with this decision. The new interveners included 38-year-old twins from Kingsport. They suffer from Fredreich's Ataxia, a rare genetic disease that makes it impossible for them to walk or talk or bathe or feed themselves. It takes up to two hours to feed them. It takes two people about 30 minutes to get them into lifts to get them out of bed. With the help of aides for each twin for 12 hours a day, their mother was able to care for them. The state reduced home health services for the young women to five hours a day. The mother was near exhaustion from staying up at night to care for her daughters. The judge ordered the state to restore aide services to 12 hours a day.

"This decision is important because the judge recognized the new policy's human cost to families and the its economic cost to the state," said Ms. Evans. "The economic fact is that the state may face higher costs in increased hospitalization from cases like these."

The Legal Aid Society gives free civil legal help to people who have nowhere else to turn. It serves 48 counties from offices in Clarksville, Columbia, Cookeville, Murfreesboro, Nashville, Oak Ridge and Tullahoma.

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