

Advocacy Center Report
To the Developmental Disabilities Council
October, 2010

Class Action Law Suit to Stop Cuts in Home Care

Seeking to prevent nearly 11,000 low-income people with severe disabilities from losing services and being institutionalized in nursing facilities, the Advocacy Center filed a class action lawsuit against the Louisiana Department of Health and Hospitals (DHH) and its Secretary, on behalf of four people who receive Medicaid-funded personal care services.

The plaintiffs in the lawsuit are four individuals with severe disabilities such as paralysis, after-effects of stroke, chronic heart failure, arthritis, and multiple sclerosis, who have no caretakers and who depend on personal care services for their basic care needs. They currently receive approximately 40 hours of care a week, and claim that the proposed cut to no more than 32 hours per week will make it impossible for them to continue to live in their own homes.

Helen Pitts, age 78, is one of the named plaintiffs. She has osteo- and rheumatoid arthritis, fibromyalgia, congestive heart failure, and lymphedema and lives alone. She uses oxygen day and night, and needs assistance getting in and out of bed, getting in and out of her motorized scooter, going to the bathroom, bathing, dressing and performing personal hygiene tasks. She is unable to prepare meals, do her laundry or attend to household chores, and also needs her personal care worker to take her to the doctor. She currently gets by on 39 hours of personal care a week. She does not want to have to move into a nursing home. "I have seen too many of my friends and family members go into nursing homes, where they do not want to be, and die there," she says. "I do not want that to happen to me."

"Long-Term Personal Care" services, part of Louisiana's Medicaid program, provide the services of a personal care worker to help people who would otherwise have to go into a nursing home with basic personal care such as bathing, toileting and grooming activities; eating and food preparation; performance of incidental household chores; assistance getting to medical appointments; and grocery shopping. To qualify for these services, people must be eligible for Medicaid-funded care in a nursing facility and be found to be at risk of entering a nursing home without the services.

When the program originated in 2003, it provided up to 56 hours per week of personal care services for eligible individuals. In March of 2009, this maximum was reduced to 42 hours a week, and services to many people with disabilities were drastically cut. Last August, DHH announced that it would cut services further—to a maximum of only 32 hours of service a week.

Advocacy Center Advocacy Awards Ceremony Took Place October 15, 2010

The recipients of the Advocacy Center's 2010 Advocacy Awards were:

- Self-Advocate: Henry Moliere, Jr. of Pineville, LA
- Family Advocate: Judy Alack Lala of Gretna, LA
- Volunteer Advocate: Mattie Wilson of Shreveport, LA
- Professional Advocate: Kirkland & Ellis, LLP of New York, NY
- Media Advocate: Richard Webster (New Orleans City Business) of New Orleans, LA

Congratulations to all!

AC Involvement in Social Media Continues to Grow

We now have 963 people who like the Advocacy Center's Facebook page.