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Judge orders restoration of services to elderly and disabled adults

By Christine Clarridge
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A U.S. District Court judge has ordered that the state restore Adult Day Health services to elderly and disabled people, at least temporarily.

District Court Judge Richard A. Jones issued an injunction to restore the benefits received by about 950 Washington adults who were cut off from nursing and therapy services as a result of statewide budget cuts to the Department of Social and Health Services (DSHS.)

Citing extraordinary budget pressures, the state Legislature earlier this year cut funding for Adult Day Health, which provided social and medical therapy to vulnerable adults living at home or in community residential services.

The cuts went into effect on July 1.

According to Louise Ryan, a spokeswoman for Washington State Long-Term Care Ombudsman, however, the state violated federal Medicaid and due process law by failing to give clients proper notice or seek replacement services for those affected.

"The sudden loss of skilled services has been devastating for many of these very frail and vulnerable people," Ryan said.

Ryan said that people who had lost their services should contact their Adult Day Health provider immediately.

The lawsuit was initially filed on behalf of 27 adults who had been cut off from the adult daycare services, but the judge certified the case as a class-action lawsuit.

DSHS has defended the cuts, saying that in these tough economic times the needs of vulnerable people must be weighed against those who have equal or greater needs.

In a written order released on Friday, Judge Jones said the injunction was temporary and that the state could seek to make the cuts again once it gives recipients proper notice.

"The court also understands that certain budgetary decisions must be made that may adversely impact certain classes of our citizenry," Jones wrote. "The court will not, however, countenance such decisions when their implementation violates fundamental due process rights. The record is clear that DSHS's termination actions did not comport with due process."

According to the ruling, DSHS must reinstate Adult Day Health benefits to all the adults who previously had been receiving benefits until the department is able to make meaningful reassessments of individual needs, issue timely notices of a reduction or termination in services and gives information about alternative community-based support services.

The injunction is one of several that have been granted in response to the state's effort to cut services to vulnerable individuals.

In June, a U.S. District Court judge in Tacoma issued an injunction preventing the state from cutting the number of hours of in-home care provided to families who care for their special needs children at home.

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