



Lawsuit Filed After County Slashes Support to Individuals with Disabilities in Washtenaw Co.

Medically necessary services cut to individuals without proper notice

The Washtenaw Association for Community Advocacy (ACA), along with several individuals receiving services through the Community Living Supports (CLS) program, has filed a lawsuit in federal court against Washtenaw County Community Mental Health (WCCMH), Community Mental Health Partnership of Southeast Michigan (CMHPSM), and the Michigan Department of Health and Human Services (MDHHS). The lawsuit alleges that WCCMH, CMHPSM, and MDHHS have violated state and federal law by illegally reducing services under the Community Living Supports program for up to 170 Washtenaw County residents with disabilities.

Community Living Support services are a Medicaid-funded, intensive home and community based treatment and support program designed to assist individuals with severe developmental disabilities to live independently in their community. The program is a community-based alternative to institutional living. WCCMH imposed across the board reductions in services to CLS recipients without prior notice and without an assessment of medical necessity, as required by Medicaid law. As a result of the cuts, many affected individuals have been unable to receive medically-necessary services. When community living support services are unavailable, individuals are often forced out of their homes and placed in foster care homes or residential facilities, losing their connections to families and communities. The majority of those impacted were individuals with severe cognitive impairments, many of whom do not have legal guardians and/or are unable to advocate for themselves.

"Community Mental Health agencies receive Medicaid funding to provide people with Intellectual/Developmental Disabilities (I/DD) the supports and services needed to be fully included members of their community," commented Kathy Homan, Executive Director of the ACA. "Cuts to these supports have left many people with intellectual and developmental disabilities unable to leave their own home, creating a *de facto* return to an era when people with disabilities were institutionalized."

The plaintiffs are represented by Legal Services of South Central Michigan, the Michigan Poverty Law Program, and Michigan Protection & Advocacy Service, Inc. "We represented a number of individuals in the administrative appeals process and won, but WCCMH has refused to restore services as directed in those orders. We've been trying to work with WCCMH on these issues for months and took every step possible to resolve this without litigation, but in the end felt we had no choice but to file a lawsuit," said Nick Gable, an attorney with Legal Services of South Central Michigan. "We are confident that we will prevail in this litigation and that the result will be a restoration of the supports our clients need," said Mark Cody, Legal Director at Michigan Protection & Advocacy Service, Inc.

The case has been assigned to federal judge Arthur Tarnow, and a motion for a temporary restraining order and preliminary injunction was filed on March 30, 2016. This motion seeks an immediate ruling reinstating benefits to the level prior to the mass reductions, and ordering any future reductions to be implemented only after proper notice is given of recipients' right to an administrative hearing, as is

required by federal law.

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