

CDCAN REPORT

CALIFORNIA DISABILITY COMMUNITY ACTION NETWORK

ADVOCACY WITHOUT BORDERS: ONE COMMUNITY

REPORT #261-2009 SEPTEMBER 10, 2009 – THURSDAY

California Disability Community Action Network Disability Rights News goes out to over 50,000 people with disabilities, mental health needs, seniors, traumatic brain & other injuries, veterans with disabilities and mental health needs, their families, workers, community organizations, including those in Asian/Pacific Islander, Latino, African American communities, policy makers and others across California.

REMEMBERING THE LIVES OF EDWARD M. KENNEDY, EUNICE KENNEDY SHRIVER, JOAN B. LEE, DONALD ROBERTS & BILL YOUNG.

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California Budget Crisis

FEDERAL JUDGE BLOCKS CUTS 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 today 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 Sandra 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)

- *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.*

URGENT!!!!

PLEASE HELP CDCAN CONTINUE ITS WORK!!!

We need your help. CDCAN Townhall Telemeetings, reports and alerts and other activities cannot continue without your help.

To continue the CDCAN website, the CDCAN News Reports, sent out and read by over 50,000 people and organizations, policy makers and media across California and to continue the CDCAN Townhall Telemeetings which since December 2003 have connected thousands of people with disabilities, seniors, mental health needs, people with MS and other disorders, people with traumatic brain and other injuries to public policy makers, legislators, and issues.

Please send your contribution/donation (make payable to "CDCAN" or "California Disability Community Action Network):

CDCAN

1225 8th Street Suite 480 - Sacramento, CA 95814

paypal on the CDCAN site is not yet working – will be soon.

MANY, MANY THANKS TO **TOWARD MAXIMUM INDEPENDENCE, INC (TMI), FRIENDS OF CHILDREN WITH SPECIAL NEEDS, UCP OF LOS ANGELES, VENTURA & SANTA BARBARA COUNTIES**, Southside Arts Center, San Francisco Bay Area Autism Society of America, Hope Services in San Jose, FEAT of Sacramento (Families for Early Autism Treatment), RESCoalition, Sacramento Gray Panthers, Easter Seals of Southern California, Tri-Counties Regional Center, Westside Regional Center, Regional Center of the East Bay, UCP of Orange County, Alta

California Regional Center, Life Steps, Parents Helping Parents, Work Training, Foothill Autism Alliance, Arc Contra Costa, Pause4Kids, Manteca CAPS, Training Toward Self Reliance, UCP, California NAELA, Californians for Disability Rights, Inc (CDR) including CDR chapters, CHANCE Inc, , Strategies To Empower People (STEP), Harbor Regional Center, Asian American parents groups, Resources for Independent Living and many other Independent Living Centers, several regional centers, People First chapters, IHSS workers, other self advocacy and family support groups, developmental center families, adoption assistance program families and children, and others across California