

MEMORANDUM

TO: Interested Persons

FROM: Elissa Gershon, Kim Swain

RE: Summary of *Davis v. CHHSA* Settlement

DATE: November 22, 2004

Davis Class Action Suit Settled

On March 31, 2004, the federal court approved settlement of the class action law suit, *Davis, et al. v. CHHSA, et al.*, which alleged violations of the Americans with Disabilities Act, the Nursing Home Reform Act and other statutes by failing to provide information, assess for, and provide community alternatives to individuals institutionalized at Laguna Honda Hospital (LHH), a 1000-bed skilled nursing facility in San Francisco. The settlement consists of two parts—a new Targeted Case Management (TCM) program for class members run by San Francisco and an improved PASRR process for nursing facility residents statewide. For a complete copy of the settlement documents, see our website at www.pai-ca.org.

Settlement with San Francisco.

1. The Targeted Case Management (TCM) Program

In March, 2004, San Francisco began a new TCM Program to assist class members seeking home and community based services with assessment and discharge planning. TCM is run by San Francisco's Department of Public Health and is independent of LHH. It is staffed by nurse and social worker case managers who are charged with screening, conducting an assessment, and developing a Linkage Plan (discharge plan) for all class members. Ongoing case management services will be provided, if appropriate, and if desired, to ensure all needed services are provided, including referrals to housing waitlists and coordination of services once

"Advancing the human and legal rights of people with disabilities."

housing is secured. LHH residents who are scheduled for discharge within 180 days will receive case management services from the TCM Program.

The purpose of the TCM assessment and linkage plan will be to:

- Determine the most integrated setting appropriate and whether individuals are eligible for the community supports and services they desire;
- Consider all the community supports and services for which individuals may be eligible, even if these services are not available yet;
- Provide information about short term and long term options;
- Result in a comprehensive Linkage plan that includes all the needs identified in the assessment, preferences, specific services for referral, and actions that have to be taken to get the services;
- Individuals must be able to review, sign, and agree or disagree with the plan, and also have an opportunity to appeal it.

2. Other Settlement Provisions

- **New Community Advisory Committee** to monitor the services provided by the TCM Program. The committee will review TCM data and consumer satisfaction surveys which will be given to the committee every two months.
- **Trainings for Laguna Honda Residents:** Bi-monthly trainings to LHH residents about community options and services.
- **New Community Resource Center in the Library:** A part of the Laguna Honda Library will be set up as a community resource center.
- **Peer Mentors** that are part of the TCM Program will be available upon request.

PASRR Settlement with the State

The California Department of Mental Health (DMH) changed the way it conducts its Pre-Admission Screening and Resident Review (PASRR) Level II evaluations, which evaluate clients with a mental health diagnosis who are at risk of or placed in certified nursing facilities (including Institutes for the Mentally Diseased (IMDs) which serve at least one Medi-Cal funded resident). DMH agreed to revise its PASRR Level II evaluation tool, its contractor manual, and its training to contractors who will be conducting these evaluations, to include, for the first time, consideration of clients' goals and preferences and the community supports and services which could serve as an alternative to institutionalization. The new evaluation process began on October 1, 2004.