

Advocates File Lawsuit Against NH's Failing Mental Health Care System

Concord, N.H. – February 9, 2012 – Advocates from the Judge David L. Bazelon Center for Mental Health Law, the Disabilities Rights Center, the Center for Public Representation, and Devine, Millimet & Branch, PA, filed a class-action complaint today on behalf of New Hampshire residents with serious mental illnesses who are or are at risk of being institutionalized in state-run facilities due to the state's failure to provide community-based mental health services.

Over the last twenty years, New Hampshire has favored funding costly institutions over providing the community-based services and supports people with mental disabilities need to enjoy a full life in the community like anyone else.

"The vast majority of people with serious mental illnesses or intellectual disabilities can lead fulfilling lives in their communities, provided they have the community services and supports they need to succeed," said Ira Burnim, legal director of the Bazelon Center for Mental Health Law. "Living independently, maintaining meaningful relationships and having gainful employment should be the goal for people with mental disabilities."

State officials have failed to provide treatment in the most integrated setting possible, say advocates, and are in violation of the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973 and the Preadmission Screening and Resident Review (PASRR) provisions of the Nursing Home Reform Act. The complaint calls for New Hampshire to expand services with proven success rates, including mobile crisis services, assertive community treatment, supportive housing and supported employment.

Advocates filed a complaint after New Hampshire failed to respond to an April 2011 finding from the United States Department of Justice that New Hampshire's state mental health system is in violation of the ADA. In November 2010, advocates sent a letter to two of the complaint's defendants, Commissioner Nicholas Toumpas of the New Hampshire Department of Health and Human Services and Administrator Erik Riera of the New Hampshire Bureau of Behavioral Health, describing the state's violations and seeking negotiations. The complaint was filed when negotiations reached an impasse.

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The Bazelon Center for Mental Health Law (www.bazelon.org) is the leading national legal-advocacy organization representing people with mental disabilities. It promotes laws and policies that can enable people with serious mental illnesses or intellectual disabilities to exercise their life choices and access the resources they need to participate fully in their communities.

The Disabilities Rights Center is New Hampshire's designated protection and advocacy agency, and the only disability advocacy agency in the state with legal services capacity. More information about DRC can be found at <http://www.drcnh.org>.

The Center for Public Representation (<http://www.centerforpublicrep.org>) is dedicated to promoting change in the quality of lives of individuals with disabilities in Massachusetts and to pursuing systemic reform and enforcement of legal rights on a statewide and national basis. The Center's primary purpose is to serve people with disabilities, and particularly those who are institutionalized, discriminated against, or otherwise denied fundamental human rights.

Devine, Millimet & Branch, PA (<http://www.devinemillimet.com>) offers legal counsel to businesses and individual clients throughout New Hampshire and all of New England.

For more information or to speak to an expert from the Bazelon Center on this issue, contact Dominic Holt, at [dominic @ bazelon.org](mailto:dominic@bazelon.org) or 202.467.5730, ext. 311.