

Judge David L.

BAZELON CENTER
for Mental Health Law

NEWS

Disability Advocates Challenge Confinement in Huge Nursing Home

Funds Should Pay for Community Care Instead

October 11, 2006—Residents of Laguna Honda Hospital in San Francisco, California filed a lawsuit in federal court today to challenge their unnecessary continuing confinement at Laguna Honda Hospital, a 1,000-bed nursing home owned and operated by the city. The complaint asserts that, according to the city's own assessment, "the vast majority" of the residents are capable of—and prefer—living in their own homes or in supportive community programs, and asks the court to require the city to offer and provide services in alternative community settings.

"I am 47 years old and have been at Laguna Honda for seven years," said Mark Chambers, the lead plaintiff in *Mark Chambers et al. v. City and County of San Francisco*, a computer systems manager before suffering a head injury. "I don't want to spend the rest of my life here. I want to be part of the world outside."

The Independent Living Resource Center (ILRCSF) joined Chambers and five other named residents in claiming that the city is in violation of the Americans with Disabilities Act (ADA), which requires that people with disabilities be provided services in the "most integrated setting appropriate" to their needs. The U.S. Supreme Court affirmed this right in 1999, concluding in *Olmstead v. L.C.* that unnecessary institutionalization violates the ADA.

"Laguna Honda is out of step with the direction the rest of the country is taking to reduce the use of nursing homes," according to Herb Levine, director of ILRCSF. "There are many better choices in San Francisco to provide the highest quality life options."

In a partial settlement of a prior class action, *Davis v. CHSA*, the city addressed residents' needs and developed discharge plans for all current Laguna Honda residents. Yet residents "remain unnecessarily institutionalized" said Elissa Gershon of Protection and Advocacy, Inc., one of the plaintiffs' attorneys. "San Francisco's own assessments show that more than 80 percent of the residents could leave if they were offered services and housing in the community, where most say they would rather live."

"San Francisco plans to perpetuate this discrimination for generations to come by building a potentially larger Laguna Honda," according to Arlene Mayerson of the Disability Rights Education and Defense Fund, another of the plaintiffs' lawyers.

The proposed rebuild to replace the decaying facility will cost the city's taxpayers at least \$600 million to construct. At current levels, Laguna Honda's operating costs will be \$180 million a year, including \$48 million from San Francisco's General Fund.

"San Francisco is spending enormous sums to keep more than 1,000 people in one of the nation's most costly institutions instead of using those dollars far more cost-effectively to provide the housing and services they need to live independently," said Jennifer Mathis of the Bazelon Center for Mental Health Law, an attorney for the plaintiffs.

The six plaintiffs named in the lawsuit all have disabilities and have lived at Laguna Honda from one to seven years. The services they would need in the community, based on the city's assessment, include: affordable, accessible housing; case management; assistance with meals and money management; transportation; primary health care; and mental health services. All of these are currently available in San Francisco, either to help people stay in their own homes or through residential programs.

The Independent Living Resource Center of San Francisco is a nonprofit organization that provides services to help people with disabilities live as independently as possible in the community and in their homes. ILRCSF also advocates for people with disabilities.

A consortium of legal advocates represents the plaintiffs: Protection & Advocacy, Inc., is the lead counsel, with co-counsel from the Disability Rights Education and Defense Fund (DREDF), AARP Foundation Litigation, the Bazelon Center for Mental Health Law and the law firm of Howrey LLP.