



Capitol Desk

Tuesday, November 1, 2011

Effort for Settlement of ADHC Lawsuit

by David Gorn

State officials and advocates for seniors and the disabled are meeting today trying to work out a settlement of a lawsuit over adult day health care.

Today's settlement conference comes exactly one week before a federal hearing of the suit brought by Disability Rights California, scheduled Nov. 8. The court is asked to determine whether the state's transition plan is adequate to handle the needs of roughly 35,000 frail, elderly and disabled patients. The state's ADHC program ceases to be a Medi-Cal benefit on Dec. 1.

Yesterday, advocates took to the sidewalk outside of the Ronald Reagan State Office Building in Los Angeles, marching up and down in front of the government center with "Stop Elimination" signs.

At issue in the lawsuit is not the legality of the elimination itself, but rather the state's ability to keep a health safety net intact under those at-risk beneficiaries. The state filed its final brief Friday; Disability Rights California filed its rebuttal brief Sunday.

So far, the two sides have met with a federal settlement judge three times. Today's settlement conference is the fourth.

"We are meeting," Norman Williams of the Department of Health Care Services said. "But it's confidential. We can't discuss the content of that discussion."

A settlement conference is routinely scheduled and required in these types of cases, according to Elissa Gershon of DRC, which is bringing the lawsuit.

"They can continue if the parties are making progress," Gershon said. "I guess you can draw your own inference from the fact that we've had three of them."

DHCS Director Toby Douglas, in an email distributed to ADHC stakeholders, said that any stakeholder meeting should wait till settlement talks are completed.

"We are involved in good-faith settlement meetings with plaintiffs in the ADHC lawsuit at this time," Douglas wrote.

"Therefore, it makes most sense to convene this additional stakeholder meeting once we ascertain whether and to what extent the settlement discussions may affect the transition plan. We fully expect to have that indication very soon."

The federal settlement judge is a different person from the federal judge who will hear the case next week. If a settlement can be reached and the settlement judge agrees with it, then it would be referred to the judge hearing the case, who also would need to rule on the compromise agreement.