

California settles lawsuit over adult day care program

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Published: Friday, Nov. 18, 2011 - 12:00 am | Page 3A

Advocates for the elderly and the disabled applauded a federal court settlement Thursday that replaces California's Adult Day Health Care program, long a target of state budget reductions, with a similar community-based program that allows low-income, frail seniors to remain in their own homes.

"Some cuts are just not OK in this fiscal process," said Disability Rights California's Elissa Gershon, lead attorney for the Darling v. Douglas case, which challenged plans to eliminate Medi-Cal coverage of adult day health care for 35,000 participants.

Under a sharply criticized transition plan, Medi-Cal funding for ADHC was scheduled to end on Dec. 1.

According to terms of the settlement, participants have until Feb. 29, 2012, to qualify for the new program, which like ADHC will provide skilled nursing care, [health services](#), physical and occupational therapy, and transportation.

The new program, called Community-Based Adult Services, will save \$28 million in the 2011-12 budget and \$92 million the next year by shifting participants into the Medi-Cal managed care health plan under a federal health care reform waiver.

The state Department of Health Care Services estimates that half of current ADHC participants will qualify for it.

"These will be the people with the most acute needs," said DHCS spokesman Norman Williams. "That's our focus. The new program has a much tighter eligibility process. That's where the cost savings comes in."

Current ADHC recipients who don't qualify for the new program will instead receive intense care management services to help allow them to continue living on their own.

It's likely that many of the state's 300 adult day health care centers will qualify as CBAS centers, said Lydia Missaelides, executive director of the California Association for Adult Day Services.

This year, 23 adult day centers have closed, she said, and another four have said that they might, too.

The lawsuit, filed against DHCS two years ago, argued that making adult day health programs unavailable to low-income participants violated the Americans with Disabilities Act, because it would leave the state's most vulnerable population few options other than institutional care.

Woodland resident Esther Darling, one of seven plaintiffs, is a 74-year-old stroke survivor and client of the Yolo Adult Day Health Center.

"There would be a lot less lonely people out there if there were more places like this one," she said. "This is my home away from home, and everybody here is my family."