



Press Release

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Cathy Hutchinson, Lead Plaintiff in Hutchinson Settlement, Moves Into Community After Living in a Nursing Home For More Than A Decade

Cathy Hutchinson, the lead plaintiff in the class action suit, *Hutchinson v. Patrick*, is finally going “home” after living in a nursing home for more than a decade. Cathy, who suffered a brainstem stroke, described her years in a nursing home as “being in prison for a crime I didn’t commit.”

Cathy is one of 87 individuals with brain injury who have been approved to move from a nursing facility into the community as a result of a landmark class action settlement. Cathy will be moving into a group home in East Taunton with four other women on Friday, Sept. 23.

“This is a dream come true,” wrote Cathy who is a mute quadriplegic. “I never knew how wonderful freedom is. I couldn’t be happier.”

The settlement resolved a class action lawsuit, filed by the Center for Public Representation and the law office of WilmerHale on behalf of five named plaintiffs, all survivors of brain injury, the Brain Injury Association of Massachusetts, and the Stavros Center for Independent Living. The complaint charged that the Commonwealth of Massachusetts was violating the Americans with Disabilities Act by failing to provide adequate community services. The settlement agreement involves the transition of class members from institutions to integrated, community living over the next eight years.

“This agreement is a first in the nation for people with brain injuries – regardless of the cause – and will serve as a model for other states,” says Steven J. Schwartz of the Center for Public Representation, lead counsel for the plaintiffs. “For individuals with brain injury, the promise of the Americans with Disabilities Act has become a reality.”

“Cathy is an incredible woman and a tremendous advocate,” says Kathryn Rucker, legal counsel for the Center for Public Representation. “She, like so many of the plaintiffs, was not just looking for a resource for herself in the community but wanted to bring about change in the system and she did.” Thus far, 42 individuals have moved into foster homes, group homes, or their own apartment, and another 45 have started the transition process.

“The courageous survivors who agreed to participate in this class action lawsuit have paved the way for others with brain injuries to live life more fully, independently, and with dignity,” says Arlene Korab, Executive Director of the Brain Injury Association of Massachusetts.

The Class Action lawsuit was originally filed in May 2007 and with the cooperation of Commonwealth of Massachusetts attorneys was settled in June 2008. As part of the settlement, two Medicaid home and community-based waivers were created and began accepting applicants in May of 2010. A total of three hundred individuals will be selected by lottery to transition from nursing homes and chronic or rehabilitation hospitals to integrated community settings during the first three years of the waiver program.

Once determined eligible, waiver participants will begin an individualized treatment planning process based on the principles of person-centered care. The waiver participant’s preferences, strengths and goals are at the heart of this planning process. A team is formed which may include individuals from the person’s community, providers, friends, family members and other professionals of the person’s choosing. With the individual’s vision for community living in mind, the team identifies both transitional and long term service needs, including ABI waiver services, other Medicaid funded services and community-based supports. An individual service plan is developed to inform discharge planning and support the participant once living in the community.

The Brain Injury Association of Massachusetts (BIA-MA), a private, non-profit organization, provides support to brain injury survivors and their families, offers programs to prevent brain injuries, educates the public on the risks and consequences of brain injury, and advocates for rights of individuals with brain injury. A video following one individual from a nursing home into the community as part of Hutchinson has been posted on www.biama.org (click YouTube icon).

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