



Press Release

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Survivors of Brain Injury Move from Nursing Facilities Into Community; Applications for Non-Residential Placement Accepted January 10-31.

This past fall, survivors of brain injury began moving from nursing facilities into the community, according to the Brain Injury Association of Massachusetts that was instrumental in initiating a class action suit that resulted in a settlement in 2008. That settlement created two new programs designed to support individuals in 24 hour staffed residential settings or in their own homes or apartments with community-based supports. Thus far, eight individuals have left nursing homes and returned to live in the community. Another 51 applicants have been approved and are in the care planning process, working towards a transition into the community in the near future.

Raymond Gould of Douglas, who sustained a brain injury caused by a sinus infection, was one of the first individuals to move from a nursing facility to live in the community. Two months after moving into his new home, Raymond is thriving as an active member of the community. He attends a day program, participates in everyday chores and errands, and for the first time in almost two years, selects the clothes he wears and the food he eats.

“His life is so much more independent than it was in the nursing home where most everything was decided and done for him,” said Carol Maxwell, Raymond’s mother who has worked closely with him since his injury in 2008. “The impact of this change on his physical and mental health is truly remarkable.

The landmark class action settlement, *Hutchinson v. Patrick*, resolved a class action lawsuit, filed by the Center for Public Representation 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 was violating the Americans with Disabilities Act by failing to provide adequate community services. The settlement agreement involves the transition of 1900 class members from institutions to integrated, community living over the next eight years.

“This is a win-win situation for all,” said Cathy Hutchinson, the lead plaintiff in the case. “The settlement is cost neutral to the state, relieves nursing facilities of the burden of being overcrowded, and allows individuals with brain injury to live a more enriched life.”

“This is a historic moment for persons with brain injuries in Massachusetts,” said Arlene Korab, Executive Director of the Brain Injury Association. “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.”

According to Korab, Medicaid will be accepting new applications for its non-residential program. These applications must be received between **January 10-31**. Interested applicants could transition to a variety of community living arrangements, including their own apartment, the home of a friend or family member, or adult foster care. Available support services include case management, individual skill trainers, adult companions, homemaker services, respite, transitional supports and home modifications. To get an application or to learn more about this opportunity, please call 1-866-281-5602 or visit www.biama.org.

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