

**IMPORTANT NOTICE**

**A PROPOSED SETTLEMENT MAY AFFECT YOUR RIGHTS**



**Do you live in a nursing facility and:**

--want help moving out of the nursing facility?

**OR**

--want more information about moving back to the community?

**OR**

--have a mental illness and believe you need special mental or behavioral health services in the nursing facility that you are not presently receiving?

A class action lawsuit and a Settlement Agreement could affect your rights.

This Notice explains the lawsuit, the Settlement Agreement, and your legal rights.



**If you agree with the Settlement Agreement** you do not need to do anything.

**If you object to the Settlement Agreement** you must send your objections in writing to the Court and Plaintiffs' counsel by **May 31, 2024**.

## *Marsters v. Healey*

### **NOTICE OF SETTLEMENT AGREEMENT**

Six individuals with disabilities who are living in nursing facilities filed a lawsuit against the Commonwealth of Massachusetts, claiming that they could return to the community, but needed support from the State to do so. This Settlement Agreement will expand the resources available in Massachusetts for individuals such as the plaintiffs and thousands of people like them (called “class members”), allowing many nursing facility residents to receive residential services and supports provided in the community instead of in a nursing facility. The Court must approve the Settlement Agreement before it is final.

### **WHO IS PART OF THE SETTLEMENT?**

You are a class member if:

- ✓ You are age 22 or older **and**
  - ✓ Have Medicaid or are eligible for Medicaid **and**
  - ✓ Have lived in a Massachusetts nursing facility more than 60 days **and**
  - ✓ Have a disability **and**
- ✓ You can live in, and do not oppose moving to, the community **or** ✓ You have a serious mental illness

### **SUMMARY OF THE SETTLEMENT AGREEMENT**

Over 8 years, the Settlement Agreement requires the Commonwealth to provide:

#### **1. In-Reach, Informed Choice, and Transition Planning**

Information and opportunities to help nursing facility residents make an informed choice about where to live, and case management services to help them find a place to live and move to a new home.

#### **2. Special Services for Class Members Who Have Serious Mental Illness**

Special services provided in nursing facilities or Clubhouses in the community for class members who have a serious mental illness. The

## ***Marsters v. Healey***

Department of Mental Health must provide people with serious mental illnesses with additional services to help them move to the community.

### **3. Residential Services and Housing Support**

New housing programs for people who want to live in:

-a provider operated setting or shared living environment (group home).

-their own house or apartment but need both housing and services.

-the house they have already, with physical accessibility updates to the home.

Services will accommodate class members' language needs and cultural backgrounds.

### **WHAT HAPPENS NOW? THE APPROVAL PROCESS**

If you agree with the Settlement Agreement, you do not need to do anything.

The Judge has made a **preliminary** finding that the Settlement Agreement *appears* reasonable. Class members who want to object to the Settlement Agreement must file a written objection or comment by **May 31, 2024** with the Clerk, U.S. District Court, 1 Courthouse Way, Boston, MA 02210.

Copies of objections or comments should also be sent to Karen Detmers at 5 Ferry St., Unit 314, Easthampton, MA 01027-1379 (kdetmers@cpr-ma.org).

**IF YOU DO NOT SUBMIT A WRITTEN OBJECTION BY MAY 31, 2024, YOU WILL LOSE YOUR RIGHT TO OBJECT TO THE SETTLEMENT AGREEMENT.**

If you have questions about this Notice or about the Settlement Agreement, you may contact Kathy Walker, 413-341-5111 ([kwalker@cpr-ma.org](mailto:kwalker@cpr-ma.org)) or Deborah Filler, 617-603-2716 ([dfiller@gbls.org](mailto:dfiller@gbls.org)). This Notice summarizes the Settlement Agreement. If you would like a copy of the full Settlement Agreement or the plain language summary, please call the Center for Public Representation at 413-586-6024 or access them online at [www.centerforpublicrep.org](http://www.centerforpublicrep.org).

*Marsters v. Healey*

**BINDING EFFECT**

If the Court approves this Settlement Agreement, the Agreement prevents class members from bringing their own lawsuits about the same problems addressed in this Settlement Agreement. This means that you cannot later seek different or additional relief regarding these issues during the 8 years of the Agreement.

**The Court has scheduled a hearing to consider any objections and decide whether to finally approve the Settlement Agreement. The hearing will be held on JUNE 17, 2024, at 3:00 PM** in Courtroom 4 at the United States District Court, 1 Courthouse Way, Suite 2300, Boston, Massachusetts. You are welcome to attend.

**UNLESS OBJECTING TO THE SETTLEMENT IN WRITING, PLEASE DO NOT CONTACT THE COURT DIRECTLY.**