



# The Dignity Digest

Issue # 191 (Supplement)

June 13, 2024

The *Dignity Digest* is information compiled by Dignity Alliance Massachusetts concerning long-term services, support, living options, and care issued each Tuesday.

***This is a supplement to Issue #191 containing information about the Marsters v. Healey class action law suit.***

## Fairness Hearing Scheduled

The Fairness Hearing has been scheduled by federal judge Nathaniel M. Gorton to be held on Monday, June 17, 2024 at 3:00 p.m. in the John Joseph Moakley United States Courthouse, 1 Courthouse Way, Boston, MA.

The proposed Settlement Agreement will be before Judge Gorton for his review and approval.

The Hearing may also be viewed online via ZoomGov at:

<https://mad-uscourts.zoomgov.com/j/1612499106?pwd=L2cwY0QrbHUxellrV3VJandLWFfzQT09>

Meeting ID: 161 249 9106

Passcode: 209870

One tap mobile

646 828 7666,,1612499106#

By telephone:

646 828 7666

## Brief Description

*Marsters v. Healey* is a class action lawsuit which expands opportunities for individuals in Massachusetts nursing facilities to receive the services they need to live in their communities of choice. The settlement invests in new housing opportunities and community-based programs for older adults and persons with physical disabilities or mental illness.

*Marsters v. Healey*, was originally filed in October 2022 in the U.S.

District Court for the District of Massachusetts against the Commonwealth by six individuals with disabilities living in nursing facilities who were unable to return to the community without additional support from the state. Under the settlement, the state will expand funding for housing programs to assist individuals in nursing facilities

	<p>who seek to return to the community, including the creation of rental vouchers designated for persons with disabilities who want to transition to the community, as well as the creation of new residential settings. The plaintiffs were represented by the Center for Public Representation – Massachusetts, Greater Boston Legal Services, Justice for Aging, and Foley Hoag. In addition to the six individual plaintiffs, the Massachusetts Senior Action Council was an organizational plaintiff.</p>
<p><b>Full text and summary of the Settlement Agreement</b></p>	<ul style="list-style-type: none"> <li>• <u><a href="#">Summary of the settlement agreement</a></u></li> <li>• <u><a href="#">Full agreement</a></u></li> </ul>
<p><b>Brief profiles of the plaintiffs</b></p>	<p><u><b>Lorraine S.</b></u></p> <p>Lorraine S. is a 65-year-old, charming woman from Jamaica who was admitted to the nursing facility in May 2021 following a brief hospitalization where her primary diagnosis was “failure to thrive”. Lorraine is fairly independent, with only a need for cueing and monitoring, is extremely sociable, and takes great pride in her appearance. She desperately misses her children and grandchildren, cooking Jamaican recipes, and participating in community activities.</p> <p>Lorraine has staunchly maintained her desire to leave the nursing facility and regain her independence. In May 2024, Lorraine finally transitioned to a group home pursuant to a MassHealth waiver program, where she is now able to enjoy the things she loves most, such as cooking Jamaican food, tending to her own home, and visiting with family.</p> <p>Lorraine was recently featured in an <a href="#">interview with WGBH</a>.</p> <p><u><b>Carole C.</b></u></p> <p>Carole C. is a 69-year-old woman who, for much of her life, lived independently in the community or in a rest home. She was admitted to the nursing facility in April 2021 after numerous inpatient psychiatric admissions.</p> <p>Shortly after the filing of this lawsuit in October 2022, Carole was referred to a MassHealth waiver program and was deemed clinically eligible in December 2022, but was subsequently rejected by a community mental health provider for an opening in its group home. In April 2023, she finally moved to a Department of Mental Health group home where she currently resides. Carole loves her new home, chooses her routine, and independently engages in community activities.</p> <p><u><b>Richard C</b></u></p> <p>Richard C. is a 65-year-old Army veteran who has been stuck at the nursing facility since June 2020, following a stroke. He is partially deaf and wears hearing aids.</p> <p>Richard is capable of caring for himself, with occasional cueing and monitoring. He is quite communicative and emphatically wants to live in his own place where</p>

	<p>he can garden, sit outside, and go on outings to the movies and sporting events. However, despite the opinions of the facility social worker and his guardian, as well as an independent nursing expert, Richard had been denied access to MassHealth’s waiver programs for community living three times, most recently in September 2023, allegedly because he cannot be safely served in the community. The denial is being appealed to a state court by the Center for Public Representation (CPR).</p> <p>Richard was recently featured in an <a href="#">interview with WGBH</a>.</p> <p><b><u>David Marsters</u></b></p> <p>David Marsters is a 74-year-old man who resides on a locked unit at nursing facility in western Massachusetts. He was admitted to the facility in July 2020 following a discharge from a hospital.</p> <p>David has lived independently in the past. His support staff at the nursing facility and his sister believe he would do well in the community with appropriate supports, yet he has been denied access to MassHealth’s waiver programs because of a determination of unacceptable health and safety risks. A fair hearing was held in October 2023 which CPR has appealed.</p>
<p><b>Media coverage</b></p>	<ul style="list-style-type: none"> <li>• <a href="#">Pushback: Fighting for care everyone deserves</a> by Al Norman, June 4, 2024 in the <b>Greenfield Recorder</b></li> <li>• <a href="#">After state settlement, disabled people stuck in nursing homes hope to find homes of their own</a> by Meghan Smith, June 5, 2024 on <b>GBH News</b></li> <li>• Lorraine C.’s <a href="#">interview with WGBH</a></li> <li>• Richard C.’s <a href="#">interview with WGBH</a>.</li> <li>• Boston Globe coverage:  <a href="#">Massachusetts commits \$1 billion to move thousands out of nursing homes in wake of lawsuit settlement</a> by Jason Laughlin, April 21, 2024 – Nursing home residents should find it dramatically easier to return to their communities after Massachusetts committed to spending \$1 billion over the next eight years for new housing and community support for people seeking to leave long-term care facilities.  <a href="#">State commits to moving 2,400 people out of nursing homes</a> by the Editorial Board, April 17, 2024 – Court settlement will help people with disabilities move into the community.  <a href="#">Help people with disabilities live in the community</a> by The Editorial Board, October 27, 2023  Unnecessary segregation in nursing homes ‘has been linked to accelerated mental, emotional, and physical decline’ when residents have little autonomy and little ability to engage in outside activities, a lawsuit says.</li> <li>• Massachusetts Executive Office of Health and Human Services' <a href="#">press release</a>.</li> </ul>
<p><b>Dignity Alliance Massachusetts Statement of Support</b></p>	<p><i>Dignity Alliance Massachusetts and Its Partners Support Resolution of the Complaint Underlying the Class Action Suit filed by the Center for Public Representation Charging Massachusetts with Violations of the Americans with Disabilities Act and the Medicaid Act</i></p>

	Download the <a href="#">DignityMA Support Statement (pdf)</a>
<b>Webinars, PowerPoints, and Related Information about <i>Marsters v. Healey</i></b>	Webinars, PowerPoints, and Related Information about <i>Marsters v. Healey</i> can be accessed at <a href="https://dignityalliancema.org/2024/04/18/marsters-lawsuit/">https://dignityalliancema.org/2024/04/18/marsters-lawsuit/</a> .  Updated information will be posted on this website
<b>For more information / questions</b>	For more information and answers to questions about <i>Marsters v. Healey</i> and the Settlement Agreement, please contact Karen Detmers at the Center for Public Representation – Massachusetts, <a href="mailto:kdetmers@cpr-ma.org">kdetmers@cpr-ma.org</a> .
Access to Dignity Alliance social media	Email: <a href="mailto:info@DignityAllianceMA.org">info@DignityAllianceMA.org</a> Facebook: <a href="https://www.facebook.com/DignityAllianceMA/">https://www.facebook.com/DignityAllianceMA/</a> Instagram: <a href="https://www.instagram.com/dignityalliance/">https://www.instagram.com/dignityalliance/</a> LinkedIn: <a href="https://www.linkedin.com/company/dignity-alliance-massachusetts">https://www.linkedin.com/company/dignity-alliance-massachusetts</a> Twitter: <a href="https://twitter.com/dignity_ma?s=21">https://twitter.com/dignity_ma?s=21</a> Website: <a href="http://www.DignityAllianceMA.org">www.DignityAllianceMA.org</a>
<b><i>The Dignity Digest</i></b>	For a free weekly subscription to <i>The Dignity Digest</i> : <a href="https://dignityalliancema.org/contact/sign-up-for-emails/">https://dignityalliancema.org/contact/sign-up-for-emails/</a> Editor: Paul Lanzikos Primary contributor: Sandy Novack MailChimp Specialist: Sue Rorke
Note of thanks	Thanks to the contributors to this issue of <i>The Dignity Digest</i> <ul style="list-style-type: none"> <li>• Stephen Schwartz, Center for Public Representation</li> <li>• Kathy Walker, Center for Public Representation</li> </ul> Special thanks to the MetroWest Center for Independent Living for assistance with the website and MailChimp versions of <i>The Dignity Digest</i> . <i>If you have submissions for inclusion in <u>The Dignity Digest</u> or have questions or comments, please submit them to <a href="mailto:Digest@DignityAllianceMA.org">Digest@DignityAllianceMA.org</a>.</i>
<p><i>Dignity Alliance Massachusetts is a broad-based coalition of organizations and individuals pursuing fundamental changes in the provision of long-term services, support, and care for older adults and persons with disabilities.</i></p> <p><i>Our guiding principle is the assurance of dignity for those receiving the services as well as for those providing them.</i></p> <p><i>The information presented in “The Dignity Digest” is obtained from publicly available sources and does not necessarily represent positions held by Dignity Alliance Massachusetts.</i></p> <p><i>Previous issues of The Tuesday Digest and The Dignity Digest are available at: <a href="https://dignityalliancema.org/dignity-digest/">https://dignityalliancema.org/dignity-digest/</a></i></p> <p><i>For more information about Dignity Alliance Massachusetts, please visit <a href="http://www.DignityAllianceMA.org">www.DignityAllianceMA.org</a>.</i></p>	