

**FOR IMMEDIATE RELEASE**

**NEW YORK LEGAL ASSISTANCE GROUP FILES CLASS ACTION AGAINST NEW YORK STATE DEPARTMENT OF HEALTH, HEBREW HOSPITAL HOME AND RUTLAND NURSING HOME**

**New York, NY – April 9, 2003.** The New York Legal Assistance Group (NYLAG), a not-for-profit civil legal services agency based in New York City, today filed a federal court class action lawsuit in Manhattan Federal Court on behalf of New York State nursing home residents against the New York State Department of Health (NYSDH). The suit challenges NYSDH's practice of discharging or transferring residents of nursing homes without providing them with notice or the right to a hearing. In addition to seeking declaratory and injunctive relief against NYSDH, the suit also seeks damages against two specific nursing homes, the Hebrew Hospital Home and the Rutland Nursing Home, which deprived the named plaintiffs of their constitutional rights.

Plaintiff Josephine Howard is an elderly wheel chair dependent woman who was wrongfully discharged from the Rutland Nursing Home without notice or an opportunity for any appeal. The suit alleges that by discharging Ms. Howard to a motel without medical care or equipment, Rutland Nursing Home was negligent by failing to ensure her safety and an orderly discharge plan. Currently Ms. Howard resides with relatives and is homebound due to lack of proper medical attention and care.

Another plaintiff in the suit, Madan Gautam, was wrongfully discharged from the Hebrew Hospital Home to a psychiatric ward at another facility, also without written notice or the benefit of an appeal. Mr. Gautam, who has no relatives in New York, originally entered the Hebrew Hospital Home after kidney surgery. Mr. Gautam seeks to return to the Hebrew Hospital Home, where he is familiar with the staff and surroundings.

“These cases are just a few of the many examples in which the State Department of Health has failed to follow both federal and state laws and regulations mandating an appeals process prior to discharging nursing home residents,” said Jane Greengold Stevens, a Senior Litigator with NYLAG.

In the 28 page complaint, NYLAG seeks:

- \* Certification of a class action consisting of all New York State nursing home residents who may be subject to transfer or discharge from their current nursing homes;
- \* Declaratory and injunctive relief against NYSDH's policy, practice and pattern of violating the rights of New York State nursing home residents by failing to provide them with notice and an opportunity to appeal decisions affecting their continued placement in nursing homes.
- \* Monetary damages against Rutland Nursing Home and Hebrew Home Hospital for Plaintiffs Howard and Gautam for violating their constitutional rights.
- \* An order directing the Hebrew Home Hospital to allow Mr. Gautam to return to the Home.

For more information about this suit, or to obtain a copy of the class action complaint, please contact:

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### **About NYLAG**

NYLAG is a not-for-profit organization dedicated to helping at-risk New Yorkers with their legal needs. Founded in 1990, NYLAG protects the legal rights of New York's neediest populations, including the elderly, immigrants, victims of domestic violence, at-risk children, the disabled and sufferers of chronic and serious illnesses. NYLAG provides direct legal services, advocacy through impact litigation, consultation and community legal education. Last year, NYLAG handled 36,363 cases and impacted additional thousands through successful impact litigation. For more information on NYLAG, go to [www.nylag.org](http://www.nylag.org).