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FOR IMMEDIATE RELEASE

State Health Department Charged with Violating Rights of the Disabled

Class Action Lawsuit Says Department of Health's biased procedures protect adult home operators' financial interests and leave disabled residents exposed to unchecked abuse

NEW YORK, N.Y., November 10, 2011—Yesterday, Norman Bloomfield, a 64-year-old resident of the Surf Manor Home for Adults in Brooklyn, filed a class action lawsuit on behalf of all residents of adult homes in the New York City metropolitan area, charging that the NYS Department of Health's complaint procedures violate the Americans with Disabilities Act, the state's Constitution and the Administrative Procedures Act.

"The consensus among residents is that their complaints are not addressed," says Mr. Bloomfield, who is represented by MFY Legal Services, Inc. "Nine residents have died this year, there are outbreaks of bed bugs and scabies, the facility is in serious disrepair. The inspectors' response is always 'give the administration more time' or 'they're trying' when residents are bitten by bed bugs every night. No one should have to live like this. What's more, the Department is not doing anything about complaints it has substantiated which affect residents' health and safety."

The Department of Health has failed to enforce its corrective action orders or failed to issue violations against the home even when investigators found that Surf Manor infringed on residents' rights and safety or failed to remedy previous violations. Department regulations do not require inspectors to speak with a resident who makes a complaint, but give adult homes opportunities to appeal those violations through closed-door, off-the-record proceedings. Residents are not given notice or an opportunity to be heard in those proceedings.

"The Department has repeatedly told adult home residents that they have no rights at stake in these processes even when residents' health and safety are at issue," said Barbara Graves-Poller, an MFY attorney who represents Bloomfield. "The truth is that the Department has simply decided to disregard residents' rights for the sake of protecting operators' profits."

In his complaint, Mr. Bloomfield claims that denying disabled residents participation in that process violates the Americans with Disabilities Act. The complaint further alleges that the Department has failed to officially promulgate its appeal rules and that it abuses its discretion in ways that allow adult home operators to violate residents' rights with virtual impunity.

MFY Legal Services' Adult Home Advocacy Project advocates on behalf of people with mental illness who reside in adult homes throughout New York City.