



Statement of Support

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

WHEREAS, *Aging in Place: A State Survey of Livability Policies and Practices*, written by the National Conference of State Legislatures in conjunction with the AARP Public Policy Institute, reported that nearly 90 percent of persons aged 65 and older wish to stay in their home for as long as possible, and 80 percent believe their current residence is where they will always live; and

WHEREAS, Over 20,000 persons with disabilities, utilizing Medicaid, are institutionalized in nursing facilities in the Commonwealth; and

WHEREAS, The Covid 19 pandemic led to the deaths of hundreds of thousands of nursing facility residents nationwide, particularly in nursing facilities that serve Black and Brown communities; and

WHEREAS, The Commonwealth must provide an informed choice process for thousands of residents in nursing facilities who can and want to live in the community supported by long-term residential services and support for living in the community; and

WHEREAS, In response to this need and the tragedy that results from not addressing this need, Dignity Alliance Massachusetts, a statewide, non-profit coalition advocating for older adults and people with disabilities, commits to transforming and improving the long-term care system in Massachusetts and reducing reliance on institutional settings such as nursing facilities, supporting the development of various alternatives, such as small homes, supervised apartments, and vouchers for housing; and

WHEREAS, Dignity Alliance strongly supports the recent class action lawsuit brought by the Center for Public Representation (CPR) and its partners, Greater Boston Legal Services, Justice in Aging, and Foley Hoag, that seeks to compel the Commonwealth to expand its existing residential and community programs so that people with disabilities, including older adults, in nursing facilities can make informed choices and have meaningful options to live successfully in the community; and

WHEREAS, The lawsuit rightly challenges the Commonwealth for violating the Americans with Disabilities Act (ADA) and the Medicaid Act because it fails to provide community residential services and support, forcing thousands of people with disabilities to live in segregated nursing facilities rather than in the community; AND

WHEREAS, The Commonwealth can remedy these violations since it successfully transitioned over 3,000 people with intellectual disabilities and brain injuries to the community in response to two prior lawsuits, NOW, THEREFORE, BE IT;

RESOLVED, That Dignity Alliance Massachusetts, its partners, and stakeholders, will work collaboratively with CPR, its partners, and the Administration to ensure that this lawsuit results in systemic reforms, providing that people with disabilities, including older adults, are no longer unnecessarily institutionalized in nursing facilities; and

BE IT FURTHER RESOLVED, That Dignity Alliance urges the Commonwealth, and its newly elected Governor and Attorney General, to work with the plaintiffs in negotiating the systemic remedies needed to achieve these reforms and to comply with the ADA, as it has done previously in the two previous lawsuits, and further urges the Commonwealth to be bold, just, and compassionate and take the lead and do for those with disabilities, including older adults, in nursing homes what it has done for those with intellectual disabilities.

This statement has been endorsed by fifty-three individual and organizational members of Dignity Alliance Massachusetts including the following:

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| Frank E. Baskin | Paul J. Lanzikos, former Secretary MA |
| Boston Center for Independent Living | Executive Office of Elder Affairs |
| Rachel Broudy, MD | James A. Lomastro PhD |
| Margaret Cahill, M.Ed. Community Educator | Matthew Mahlan |
| Center for Living & Working | MA Association for Mental Health Older |
| COP Amputee Association, Inc.-COPAA | Adult Behavioral Health Network |
| Disability Policy Consortium | Mass Home Care |
| Easterseals Massachusetts | Massachusetts Law Reform Institute, Georgia |
| Evan Falchuk, CEO, Family First | Katsoulomitis, CEO |
| Judi Fonsh, MSW | MetroWest Center for Independent Living |
| Lachlan Forrow, MD | Former Senator Richard T. Moore |
| Wynn Gerhard | Priscilla O'Reilly |
| Arlene Germain, Co-Founder Dignity | Lauren Petit, Orange, MA |
| Alliance MA and MA Advocates for | Kate Piper, Advocate for incarcerated |
| Nursing Home Reform | dementia patients |
| Pamela Goodwin | Sue Rorke, MetroWest Center for |
| Fred Grosso | Independent Living |
| Margaret M. Gullette | Peter J. Tiernan, HCBS Solutions, LLC |
| Jerry Halberstadt, Stop Bullying Coalition | Samantha VanSchoick |
| Scott Harshbarger, former Attorney General | Second Thoughts MA |
| Chris Hoeh | Dorothy Weitzman, MA, MSW |
| Sandy Hovey | Jesse White, Prisoners' Legal Services of MA |
| Anne Johansen | Brianna Zimmerman |

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Dignity Alliance Massachusetts is a state-wide, grass-roots coalition of aging and disability service and advocacy organizations and supporters dedicated to systemic transformation to ensure the dignity of older adults, people with disabilities, and caregivers. We are committed to advancing new ways of providing long-term services, support, living options, and care while respecting choice and self-determination. Dignity Alliance works through education, legislation, regulatory reform, and legal strategies to realize this vision throughout the Commonwealth.