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Groups Sue Louisiana over Poor Mental Health Services for Children

Medicaid-eligible children and families suffer from lack of intensive home and community-based mental health services, lawsuit states

LOUISIANA – Louisiana is failing to meet its obligation to provide mental health services to Medicaid-eligible children and families in the state, forcing thousands to unnecessarily cycle in and out of hospitals and psychiatric facilities far away from their homes for extended periods of time, and forcing some to become inappropriately involved in the juvenile justice system, [according to a lawsuit filed today by five Louisiana families](#).

The Southern Poverty Law Center (SPLC), along with attorneys Kimberly Lewis and Abbi Coursolle of the National Health Law Program (NHELP), attorneys Travis England and Britney Wilson of the National Center for Law and Economic Justice (NCLEJ), attorney Debra Weinberg of the Advocacy Center, and attorneys Darin Snyder and Kristin MacDonnell of O'Melveny & Myers LLP, are bringing the lawsuit on behalf of five children and their parents.

The lawsuit, filed in the U.S. District Court of the Middle District of Louisiana, describes how Louisiana knowingly fails to provide Medicaid-eligible children and families with access to intensive home and community-based services (IHCBS) throughout the state, despite the need for those services from children who have serious mental health needs. Louisiana Department of Health Secretary Rebekah Gee and the Louisiana Department of Health are named as defendants in the lawsuit.

As a result of Louisiana's failure to provide needed mental health services, Medicaid-eligible children and youth who suffer from mental health issues deteriorate in their homes, communities, and schools; may encounter the juvenile-justice system; and cycle in and out of hospitals and restrictive psychiatric facilities, in violation of federal law.

The lawsuit follows a multi-year investigation by the SPLC that found Louisiana is failing children with mental health needs.

“These children deserve the dignity of receiving quality mental health services that allows them to lead healthy and productive lives in their homes and communities,” said Victor Jones, senior supervising attorney for the SPLC. “In Louisiana, children with mental health needs are frequently placed in hospitals and other facilities that do not adequately address their needs. We are filing this lawsuit on behalf of the approximately 47,500

children in the state who are in need of intensive home and community-based services, which the state is obligated to provide.”

All the plaintiffs in the lawsuit are children who have intensive mental health needs that are not being met or who have experienced unnecessary institutionalization in facilities that are far away from their families and communities.

“We’re filing this lawsuit because the state’s failure to provide these critical mental health services, as required by federal law, is further harming children and youth,” said Kimberly Lewis, an attorney for the National Health Law program.

One such plaintiff, A.A., is an 11-year old who has four different mental health diagnoses. Unable to access crisis services and other necessary intensive home and community-based services (IHCBS), A.A. has been unnecessarily admitted to psychiatric institutions six times in the past three years. These institutions were located hundreds of miles away from his home. On average, he spends eight to ten days at these institutions before he is discharged.

The lawsuit seeks a court order requiring Louisiana to fulfill its obligation under the law to provide the necessary services for children with mental health needs and to prevent the unnecessary risk of institutionalization. It also asks the court to grant class certification to include all Medicaid-eligible children and youth under the age of 21 with a psychiatric illness, including children with severe emotional disturbances.

"Instead of addressing the mental health conditions of children and youth by providing services and supports they need to succeed at home, in school and in their community, the state's failure to provide these services is resulting in them unnecessarily cycling through hospitals and institutions, or ending up in the juvenile justice system. These children and youth deserve a better chance for success," Lewis said.

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