

To Residents of Chelsea Place Care Center in Hartford or Bidwell Care Center in Manchester: You may be entitled to live in the community with appropriate supports.

A federal court authorized this notice. This is not a solicitation from a lawyer.

- A settlement will provide certain residents of Chelsea Place Care Center in Hartford and Bidwell Care Center in Manchester the opportunity to be evaluated by the State of Connecticut for eligibility to live in community-based settings, which will include housing and support services.
- The settlement resolves a lawsuit over whether the State violated federal law by administering a system in which individuals with mental illness reside in nursing homes despite their ability to live in community housing. The settlement avoids risks to you from continuing the lawsuit and requires the State to help transition eligible residents who wish to move from nursing homes into the community. It also releases the State and certain State agencies from liability.
- The settlement does not require any resident to move, and no resident will receive any money as a result of the settlement.
- Court-appointed lawyers for members of the class will ask the Court for \$1,300,000 as fees and expenses for all their past work investigating the facts, litigating the case, and negotiating the settlement.
- The Plaintiffs and the State disagree on the relief that would have been awarded if the Plaintiffs won after trial.
- Your legal rights may be affected by this settlement. Read this notice carefully. It will answer many questions you may have.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:	
YOU CAN OBJECT	Write to the Court about why you don't like the settlement.
YOU CAN GO TO A HEARING	Ask to speak in Court about the fairness of the settlement.
YOU CAN DO NOTHING	You will still be able to participate in the settlement, assuming you are deemed eligible by the State to live in community-based settings. You do not have to move if you do not want to move.

**QUESTIONS? CALL OR EMAIL THE PLAINTIFFS' ATTORNEY,
NANCY ALISBERG, 860-297-4397, NANCY.ALISBERG@CT.GOV**

- These rights and options—**and the deadlines to exercise them**—are explained in this notice.
- The Court in charge of this case will decide whether to approve the settlement. The process for determining eligibility to move into the community with appropriate supports will begin if the Court approves the settlement and after any appeals are resolved. Please be patient.

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BASIC INFORMATION

1. Why did I get this notice package?

You or your conservatee may currently be residing in either Chelsea Place Care Center in Hartford or Bidwell Care Center in Manchester, the two nursing homes involved in this lawsuit.

The Court sent you this notice because you have a right to know about a proposed settlement of a class action lawsuit, and about all of your options, before the Court decides whether to approve the settlement. If the Court approves the settlement and after objections and appeals are resolved, eligible residents will be able to choose whether to live in community-based housing (sometimes referred to as integrated community settings), with the appropriate housing and support services allowed by the settlement, or remain at their nursing home. You will be informed of the progress of the settlement.

This notice explains the lawsuit, the settlement, your legal rights, what benefits are available, who is eligible for them, and how to get them.

The Court in charge of the case is the United States District Court for the District of Connecticut, and the case is known as *State of Connecticut Office of Protection and Advocacy for Persons with Disabilities et al. v. State of Connecticut et al.*, Case No. 06 Civ. 00179. The people who sued are called the Plaintiffs, and the State of Connecticut and certain Connecticut state officials, who were sued, are called the Defendants.

2. What is this lawsuit about?

The lawsuit claimed that the State of Connecticut and the Commissioners of the Departments of Social Services, Mental Health and Addiction Services, and Public Health, administer a system in which individuals with mental illness reside in nursing homes despite their ability to live in community-based housing, in violation of federal law. The lawsuit focused on three nursing homes, specifically: Chelsea Place Care Center in Hartford, Bidwell Care Center in Manchester, and West Rock Health Center in New Haven. West Rock closed after the lawsuit began. The Defendants deny that they did anything wrong.

3. Why is this a class action?

In a class action, one or more people called Class Representatives (in this case Gale Yencha, Shannon Hemmingsen, and Norma Jean Diaz), sue on behalf of people who have similar claims. All these people are a Class or Class Members. One court resolves the issues for all Class Members. United States District Judge Alvin W. Thompson is in charge of this class action.

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4. Why is there a settlement?

The Court did not decide in favor of the Plaintiffs or the Defendants. If they won at trial, the Plaintiffs think they could have won an order from the Court requiring the Defendants to make systemic changes to enable the Class Members to receive housing and services in the most integrated setting appropriate to their needs. The Defendants think the Plaintiffs would lose at trial. But there was no trial. Instead, both sides agreed to a settlement. That way, they avoided the cost of a trial, and the people affected will get relief. The Class Representatives and their attorneys think the settlement is best for all Class Members. If the Court approves the Settlement, it will be binding upon all Class Members.

WHO IS IN THE SETTLEMENT

To see if you will have the opportunity to receive the benefits from this settlement, you first have to decide if you are a Class Member.

5. How do I know if I am part of the settlement?

In order to be eligible to receive the benefits available under the settlement, **you must meet all of the following criteria:**

- 1) you must be a resident of either Chelsea Place Care Center or Bidwell Care Center during the Settlement Period, which will last for the next four years;
- 2) you must have a diagnosis of Serious Mental Illness, as defined in 42 C.F.R. § 483.102;
- 3) you must be eligible for and have applied for (or will apply for) Medicaid-funded services;
- 4) you must be someone who has not been admitted to either of the two nursing homes for treatment under Medicare and has not been discharged within 120 days of admission;
- 5) you must have no source of payment other than Medicaid for the cost of your care at the nursing home; and
- 6) you must be able to live in the community with appropriate support and services.

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6. Are there exceptions to being included?

You are not eligible to participate in the settlement unless you meet **all six** of the criteria listed above. For example, if you fit into each category except that Medicaid is not your only source of payment for your care at the nursing home, you are not eligible to receive the benefits of the settlement.

7. I'm not sure if I am included.

If you are not sure whether you are included, you can ask for help. You can call 860-297-4397 to speak with Nancy Alisberg, one of your attorneys in this case, or email Ms. Alisberg at nancy.alisberg@ct.gov.

THE SETTLEMENT BENEFITS—WHAT YOU GET

8. What does the settlement provide?

If you are a Class Member and the settlement is approved by the Court, you are entitled to receive the following benefits under the settlement:

- You will have the opportunity for the State to determine your eligibility to live in the community with the appropriate support. If you are determined to be eligible, the State will identify the community-based setting most appropriate for your individual needs, which will include housing and support services.
- Community-based settings are designed to promote independence in daily living, full participation in society, and economic self-sufficiency, and may also include independent housing with your family or friends. The support services available are designed to assist individuals with serious mental illness to live in the community and include, but are not limited to, community support programs, crisis services, and supported employment.
- If the State determines that you are eligible, and you decide that you wish to move to the community-based setting that the State recommends, you will be able to move out of the nursing home and into that community-based setting no later than 18 months after the settlement is approved.
- To help you decide whether to move to the community if you are eligible to do so, the State will educate you about the benefits of living in community-based settings and the types of housing and support services available. The State will also help you visit

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community-based settings, including potential apartments and homes you could live in, to assist you in making your decision. You will be given the information you need to make an informed choice about where you want to live and what support services you will receive.

- Unless you have a conservator who decides otherwise, you will not be required to move to a community-based setting if you desire to remain in the nursing home. However, even if you at first decide to remain in a nursing home after the State determines you are eligible to move to a community-based setting, you have the right to change your mind in the future.
- Kevin Martone will act as a “Remedial Expert” in charge of ensuring the settlement is properly implemented. He will help the parties do what they agreed to do in the settlement, file regular reports with the Court, and review all determinations of Class Members’ eligibility for community-based settings, including all individual transition plans. Mr. Martone is a nationally-recognized expert in developing and implementing systems for states to ensure the transition of people with mental illness from institutions to community-based settings.

THE LAWYERS REPRESENTING YOU

9. Do I have a lawyer in this case?

The Court asked the State of Connecticut Office of Protection and Advocacy for Persons with Disabilities, the Bazelon Center for Mental Health in Washington, DC, the law firm of Relman, Dane & Colfax PLLC in Washington, DC and the law firm of Stroock & Stroock & Lavan LLP in New York, NY to represent you and other Class Members. These lawyers are called Class Counsel. You will not be asked to pay fees and expenses for these lawyers.

10. How will the lawyers be paid?

Class Counsel will ask the Court to approve payment of \$1,300,000 to them for attorneys’ fees and expenses. The fees would pay Class Counsel for investigating the facts, litigating the case, and negotiating the settlement. The State has agreed to these fees and expenses, if approved by the Court. The State will also pay the costs of the Remedial Expert.

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OBJECTING TO THE SETTLEMENT

You can tell the Court that you don't agree with the settlement or some part of it.

11. How do I tell the Court that I don't like the settlement?

If you're a Class Member, you can object to the settlement if you don't like any part of it. You can give reasons why you think the Court should not approve it. The Court will consider your views. To object, you must send a letter saying that you object to the proposed settlement in *State of Connecticut Office of Protection and Advocacy for Persons with Disabilities et al. v. State of Connecticut et al.* Be sure to include your name, address, telephone number, your signature, and the reasons you object to the settlement. Mail the objection to the Court, at the following address **no later than June 13, 2014**:

The Clerk's Office
United States District Court for the District of Connecticut
Abraham Ribicoff Federal Building
450 Main Street
Hartford, Connecticut 06103
Attention: Docket No. 3:06-cv-00179

Be sure to include "Docket No. 3:06-cv-00179" in your letter.

THE COURT'S FAIRNESS HEARING

The Court will hold a hearing to decide whether to approve the settlement and the request for fees and expenses. You may attend and you may ask to speak, but you don't have to.

12. When and where will the Court decide whether to approve the settlement?

The Court will hold a Fairness Hearing **at 11:00 a.m. on July 1, 2014**, at the United States District Court for the District of Connecticut, Abraham Ribicoff Federal Building, 450 Main Street, Hartford, CT, in the South Courtroom. At this hearing the Court will consider whether the settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. Judge Thompson will listen to people who have asked to speak at the hearing. The Court may also decide how much to pay to Class Counsel for fees and expenses. After the hearing, the Court will decide whether to approve the settlement. The parties do not know how long these decisions will take.

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13. Do I have to come to the hearing?

No. Class Counsel will answer questions that Judge Thompson may have. But, you are welcome to come at your own expense. If you send an objection, you don't have to come to Court to talk about it. As long as you mailed your written objection on time, the Court will consider it.

14. May I speak at the hearing?

You may request permission to speak at the Fairness Hearing. To do so, you must register **no later than June 24, 2014**, by doing one of the following:

- Call the Plaintiffs' attorney, Nancy Alisberg, at 860-297-4397. Inform Ms. Alisberg that you want to speak at the Fairness Hearing and provide your name, address, and telephone number. If you do not reach Ms. Alisberg directly, leave a message on her answering machine with all the required information
- **OR** email Ms. Alisberg at nancy.alisberg@ct.gov with the subject line "Fairness Hearing." Write in the email that you want to speak at the Fairness Hearing and provide your name, address, and telephone number.
- **OR** write a letter indicating that you want to speak at the Fairness Hearing and provide your name, address, and telephone number. Send the letter to the Plaintiffs' attorney at the following address:

Kenneth Pasquale
Stroock & Stroock & Lavan LLP
180 Maiden Lane
New York, New York 10038

If you register to speak at the hearing and show up on time, Judge Thompson will make sure you have the opportunity to tell the Court what you think about the proposed settlement. However, Judge Thompson may limit the amount of time you will have to speak. Because the proposed settlement includes an award of attorneys' fees to Class Counsel, the Court will also hear any objections to the request for fees and expenses.

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IF YOU DO NOTHING

15. What happens if I do nothing at all?

If you do nothing, you will still be able to participate in the settlement, assuming the Court approves it and you meet all the eligibility criteria. However, even if you are eligible to receive the benefits of the settlement, you do not have to move out of the nursing home if you do not want to.

GETTING MORE INFORMATION

16. Are there more details about the settlement?

This notice summarizes the proposed settlement. More details are in the Settlement Agreement. You can get a copy of the Settlement Agreement by writing to Kenneth Pasquale, Stroock & Stroock & Lavan LLP, 180 Maiden Lane, New York, NY 10038, or by visiting any of the following websites:

<http://www.ct.gov/dmhas/OPAsettlement> OR <http://www.ct.gov/dss/opasettlement>
OR
www.ct.gov/opapd (click on the “U.S. District Court Legal Notice” hyperlink)

17. How do I get more information?

If you have any questions about this notice or the proposed settlement, you may contact any of the following attorneys who represent the Plaintiffs in this lawsuit:

Nancy Alisberg
860-297-4397
nancy.alsiberg@ct.gov

Lewis Bossing
202-467-5730, ext. 307
lewisb@bazelon.org

Kenneth Pasquale
212-806-5562
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DATE: May 12, 2014.

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