

AN IMPORTANT-AND FAVORABLE- SUPREME COURT DECISION

From time to time the U.S. Supreme Court renders a decision that affects people with disabilities, which is always “news”; sometimes that decision protects or affirms the rights of people with disabilities, including people with I/DD, which definitely makes it “Good News”. That’s what happened this week.

The case, called *Health and Hospitals Corporation v. Talevski* involved the right of an older person with dementia to bring a civil rights action against a state-owned facility for failure to provide adequate health care. Although the facts in the case don’t seem especially relevant to members of our community, the Court decided a larger issue which potentially has significant impact.



Justice Ketanji Brown Jackson

42 US Code Section 1983 is the federal law, almost 150 years old, that allows individuals to bring cases in federal court for the deprivation “of rights secured by the Constitution or laws.” Cases that are incredibly important to people with I/DD have been brought under Section 1983 including the Supreme Court’s decision in *Olmstead v. L.C* which held that people with disabilities should receive services in the least restrictive available setting (see Good News 9/25/2020 and 12/2/2022). The lower court in *Talevski* held that Section 1983 could not be used in cases challenging deprivations under Medicaid. But as we know, people with I/DD are dependent on the rights provided by Medicaid for so many of the services they need to live and thrive, and can’t always rely on the government to protect those rights.

Not surprisingly, many disability advocacy organizations filed or signed on to “amicus” (friend of the court) briefs in the Supreme Court including our friends at Disability Rights New York (DRNY). The Supreme Court agreed with them in a 7-2 decision reversing the lower court written by our newest Supreme Court Justice, Ketanji Brown Jackson.

Here’s what DRNY Legal Director Jennifer Monthie had to say about the decision:

For more than half of a century, beneficiaries of public programs have used Section 1983 to challenge the unlawful termination or denial of public benefits by public officials. The laws that create these public benefit programs, such as Medicaid, do not let individuals enforce their rights in court, even when their rights are directly threatened. Instead, section 1983 is the law that allows individuals to protect their rights. Advocates have used section 1983 to challenge the unlawfully reduction or failure to provide Medicaid Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) benefits to children or to stop states from blocking people from enrolling in Medicaid, or even to stop the practice of unnecessarily institutionalizing people who can receive care in less-restrictive settings within their community.

[in its *Talevski* decision] the Supreme Court decisively said that residents of nursing facilities can enforce their rights under section 1983. This decision will also ensure that advocates who protect the rights of tens of millions of children and adults, who historically have been disproportionately poor and people of color, can continue to rely upon section 1983 to challenge unlawful denials of public benefits, such as Medicaid benefits, the right to a fair hearing and procedural due process, or “reasonable promptness” for determinations and services themselves.

Thanks to all the advocates and attorneys who helped bring about this critical result!