

Officials: Mental health discussion begins in January

◆ **Implementing changes:** Approximately \$32 million will be needed to meet agreement of class action lawsuit filed against the state.

By PAUL FEELY
New Hampshire Union Leader

State officials say discussions will begin in early January about how to make improvements outlined in the agreement of a class action lawsuit filed against the state on behalf of the mentally ill.

Approximately \$32 million in expenditures will be needed to implement the improvements, according to the Department of Health and Human Services.

The settlement was announced late last week by Attorney General Joseph Foster.

Under the terms of the agreement, New Hampshire must expand services for severely mentally ill individuals. By 2017, state officials are required to expand community treatment teams to remain on call 24 hours a

day statewide, while establishing three mobile teams to keep individuals suffering a mental health episode out of hospital emergency rooms. The agreement also calls for expanding employment assistance and housing opportunities for the mentally ill.

Initial estimates from the Department of Health and Human Services say implementing the settlement agreement would require an additional \$6 million from the state's General Fund in the current biennium for expanded mental health services, followed by \$23.7 million in General Funds for the FY 2016-2017 biennium. The state also agreed to pay \$2.4 million to cover plaintiffs' legal expenses.

"Governor Hassan will work closely with legislative leaders as the session resumes in January to identify the resources needed to meet the terms of this agreement in order to continue strengthening mental health services for all Granite Staters," said Marc Goldberg, communications director for Gov. Maggie Hassan.

The Disabilities Rights Center sued the state in 2012, saying its lack of services violated the Americans with Disabilities Act and asking a federal judge to order New Hampshire to expand community services and crisis intervention programs.

Mental health service providers weighed in on the terms of the settlement over the weekend.

Jay Couture, president of the NH Community Behavioral Health Association, issued a statement calling the settlement a "meaningful milestone in the important fight to address New Hampshire's mental health crisis."

The association will examine the substance of and process of the settlement, wrote Couture.

"Now that the court case has moved into a more public phase, we are eager to evaluate the settlement provisions and make sure they meet the needs of the community-based system of care and can be implemented in a fashion that will strengthen that system," he wrote.

"The settlement agree-

ment is a real leap forward in the renewal of New Hampshire's commitment to community-based mental health services," wrote Amy Messer, legal director of the Disabilities Rights Center and counsel for the plaintiff class, in a statement issued over the weekend. "Thousands of individuals with serious mental illness will now get the services and supports they need and want to live full, meaningful, and productive lives in the community."

Messer said that a plaintiff, whose name she gave as Mandy D., 24, was "happy that participating in the lawsuit is helping more people get housing and services so that they can live independently in the community."

Six New Hampshire residents with psychiatric disabilities filed the class action lawsuit in February 2012 against the state, alleging that individuals with psychiatric disabilities were unnecessarily institutionalized or at serious risk of unnecessary institutionalization, as a result of New Hampshire's lack of adequate community mental health services. The plain-

tiffs are represented by the Disabilities Rights Center, Devine Millimet, the Center for Public Representation, and the Judge David L. Bazelon Center for Mental Health Law.

After an investigation, the United States Department of Justice intervened in the lawsuit in support of the plaintiffs, and last September, the U.S. District Court certified the matter as a class action. A trial had been scheduled to begin in June 2014.

"Access to community based mental health services has long been proven to eliminate or reduce the needless institutionalization of people with serious mental illness," said Dan Will of Devine Millimet. "Community services not only lead to a higher quality of life for individuals with disabilities but are also far less costly than institutional care."

"Reaching this settlement ensures that we can continue addressing our mental health challenges in a fiscally responsible way that protects the state's budget and that ensures that New Hampshire citizens are driv-

ing improvements in our mental health system - not federal judges," said Gov. Hassan, in a statement issued late last week. "Continuing the lawsuit would undoubtedly have cost the state millions of dollars in legal fees and untold millions more per year if the state had not prevailed in its case."

Office of Public Guardian Executive Director Linda Mallon, was excited at the improvements outlined in the settlement.

"This is an extraordinary and positive step towards a robust community mental health system," said Mallon, in a statement. OPG

serves two of the named plaintiffs in the case, along with members of the plaintiff class likely to benefit from the expansion of these services.

The agreement now goes before United States District Court Judge Steven McAuliffe, for preliminary approval and a final hearing before it can go into effect. Though no hearing date for final approval has been set, a hearing will likely be scheduled for February 2014, according to Messer.