

Class Action Lawsuit Filed Against New York State for Failure to Provide Legally Required Mental Health Services to Medicaid-Eligible Children

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Proskauer, in conjunction with attorneys from [Children's Rights](#), [Disability Rights New York](#), and the [National Health Law Program](#), have filed a class action lawsuit against New York officials in response to the mental health crisis arising from New York's failure to provide, in sufficient quantity, frequency, and duration, home and community-based mental health services that are medically necessary to permit children with mental health issues to remain safely at home in their communities.

The [complaint](#) is brought on behalf of Medicaid-eligible children under the age of 21 with mental health conditions for whom intensive home and community-based mental and behavioral health services are medically necessary. In New York, more than two million children and adolescents are enrolled in Medicaid, with thousands of children requiring home and community-based mental health services.

As detailed in the complaint, the mental health treatment needs of New York's Medicaid-eligible youth have long been at crisis levels, with more than 1 in 10 teenagers suffering a major depressive episode, surges of youth visiting emergency rooms due to mental health crises, and suicide being a leading cause of death for youth aged 5-19.

There are tens of thousands of Medicaid-eligible children in New York who require intensive home and community-based services, but only a fraction actually receive the services they need. And for the few children who do receive these medically necessary services, they often have to wait weeks or months before being seen by a mental health professional in violation of applicable law.

Without these services, families often have to rely on hospital emergency rooms to provide short-term care that fails to address children's underlying conditions. Too often, police officers are the only available emergency responders to children in mental distress.

The [complaint](#) asserts that New York's failure to provide such mental health services violates the Medicaid Act, Title II of the Americans with Disabilities Act, and Section 504 of the Rehabilitation Act, and, as a result, Medicaid-eligible children are unnecessarily segregated or placed at serious risk of institutionalization, which significantly disrupts their lives and harms their mental health, education, families and relationships.

The class representatives are New York children who have suffered the consequences of inadequate access to intensive home and community-based mental health services, and, consequently, have cycled in and out of institutions, hospitals and residential facilities as an inadequate alternative to address their ongoing mental health issues.

The [complaint](#) seeks permanent injunctive relief requiring New York to establish and implement policies and practices to ensure the timely provision of intensive home and community-based mental health services for children for whom such services are medically necessary; to promptly make available such services to Medicaid-eligible children; and that New York provide the class members with such medically necessary services in the most integrated setting appropriate to their needs.

As reflected in the [complaint](#), the benefits of home and community-based mental health services have been borne out by expert medical opinion and court decisions across the country. Such services result in the best long-term outcomes for children, including significant improvement in their quality of life, improved school attendance and performance, increases in emotional and behavioral strength, more stable living situations, reduced suicide attempts, and fewer contacts with law enforcement.

The Proskauer team, which is led by [Steven H. Holinstat](#), Co-Head of the Fiduciary Litigation Group, includes [Antonieta P. Lefebvre](#), [Shiva Pedram](#), and [Jacob E. Wonn](#).

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