

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

JACQUELINE JONES, on behalf of  
herself and all others similarly situated,

Plaintiff,

v.

Case No. 3:09-CV-1170-J34JRK

THOMAS ARNOLD, in his official  
capacity as Secretary, Florida Agency for  
Health Care Administration, and

Dr. ANNA VIAMONTE ROSS,  
in her official capacity  
as Secretary, Florida Department of  
Health,

Defendants.

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PLAINTIFF MICHELE HADDAD'S DECLARATION IN SUPPORT OF  
HER MOTION FOR A PRELIMINARY INJUNCTION

I, Michele Haddad, hereby verify the following statements pertinent to my motion for a preliminary injunction are true and correct, to the best of my knowledge, information and belief. I understand that false statements are made subject to the penalties of 28 U.S.C. § 1746 relating to unsworn falsification to authorities. Pursuant to 28 U.S.C. § 1746 and Local Rule 4.06(b), I, Michele Haddad, declare as true the following:

- 1.. I am a named plaintiff in this action.
2. I was born on August 1, 1960 and am forty-nine years old.
3. I live in a fully accessible home in Jacksonville, Florida.
4. When I was 47, on September 7, 2007, I was in a motor cycle accident caused by an intoxicated car driver.

5. I broke my spine as a result of the accident.

6. On or about November, 2007, when I was still hospitalized in Brooks Rehabilitation, I applied to Defendants' Brain and Spinal Cord Injury Program to receive home health care through the Spinal Cord Injury Medicaid Waiver.

7. I have been on the "wait list" for in-home Waiver services nearly three years.

8. I was recently contacted by the Defendants' Spinal Cord Injury Waiver and told Defendants have no funds to provide me with services. However, if I would enter a nursing home for 60 days, then Defendants would provide me with 10 hours a day of attendant care services in the community.

9. I do not want to live in a nursing home but want services in the community.

10. I am unable to open my right hand and cannot close my left hand. As a result I have minimal manual dexterity.

11. I use a motorized wheelchair for ambulation.

12. Between January 2008, when I was discharged from Brooks Rehabilitation Hospital, and March 2010, my husband was my primary caregiver. In November, 2009, after 24 years of marriage, my husband and I divorced. My husband remained in our home and continued to serve as my primary caregiver until March 2010, when he left the home.

13. One of my adult sons, Anthony, 24, who had been living in Miami has temporarily move in with me to provide me with the care I require in order to remain in the community.

14. Anthony now is responsible for the tasks that my husband had provided since the accident: transferring me out of bed to a wheelchair, bathing me, helping me with my hygiene

needs, dressing me, shopping for food, preparing meals, assisting me with eating, and at the end of the day performing the same functions to assist me to get into bed.

15. Further, I use a catheter and require a bowel program. My husband was responsible for these toilet needs. Since March, when my husband left the house, my son, Anthony, has had to perform the exact same very personal care for me.

16. In early March, 2010, I contacted Defendants' Brain and Spinal Cord Injury Program. I notified the Program that my husband and primary caregiver had moved out and I desperately required Medicaid Waiver services because the only help I was receiving was from my son, Anthony.

17. Earlier this week, I received a telephone call from the Spinal Cord Injury Program and was told there were no funds for community-based services, but if I would move into a nursing home for 60 days then I could receive 10 hours a day of services in the community.

18. Anthony cannot continue to provide services to me and has only temporarily returned home from Miami. Anthony recently graduated from Florida International University in December, 2009, majoring in international relations and marketing. Anthony only returned home to care for me due to the exigent circumstances -- the divorce, his father leaving the house, and I had no one to care for her. Anthony intends to move back to Miami, and without the services he has been providing in the home, I will be forced to enter an unnecessarily segregated setting.

19. I do not want to go into a nursing home; instead, I want to continue residing in the community, where I have an active life.

20. In the community, I attend church, go to the movies, visits friends and go shopping. I use the gymnasium at Brooks Rehabilitation Hospital's out-patient unit for exercise.

21. I do not think it is appropriate for my son to provide the activities of daily living which she requires (including very private tasks).

22. My sole source of income is my monthly Social Security Disability Insurance, and I am eligible for and receive both Medicare and Medicaid.

23. Without community-based Spinal Cord Waiver services, I am at risk of being institutionalized, even though I desperately does not want to reside in a nursing facility.

24. Despite Defendants knowing that I am at imminent risk of institutionalization, they have not offered me any Medicaid services so I can remain in the community.

25. Defendants have a community-based Medicaid Traumatic Brain Injury/Spinal Cord Medicaid Waiver but its capacity is limited, providing 375 slots.

26. Defendants have certified to the federal Medicaid agency, the Centers for Medicare and Medicaid Services, that for each person Florida diverts from the nursing home and provides Waiver services in the community, the State and the federal government save approximately \$20,000 a year.

27. Despite these savings and knowing that I am in imminent risk of nursing home placement, Defendants have refused to provide me with services in my home.

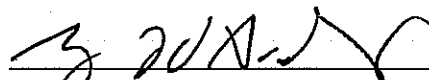
28. Unfortunately, Waiver services have not been made available, even though I applied for home and community-based services and have been on a waiting list. In early March, 2010, my advocates have telephoned Defendants' Jacksonville Medicaid Waiver office regarding waiver services, but none have been provided and no one could tell them when services would be provided for me in the community.

29. To obtain the necessary services, Defendants require that I leave the community and enter a Medicaid-funded nursing facility setting. Defendants' Medicaid program will only provide the services I require by paying for my institutionalization in a nursing facility.

Dated this 15 day of April, 2010.

  
MICHELE HADDAD

Sworn to (or affirmed) and subscribed before me this 15 day of April, 2010, MICHELE HADDAD, a person of lawful age, who is personally known to me or who has produced \_\_\_\_\_ and who did take an oath.

  
Notary Public  
My Commission Expires:

**NANCY L. O'GRADY**  
Notary Public, State of Florida  
My comm. exp. Dec. 17, 2010  
Comm. No. DD 623000