

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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**CHARLES STROUCHLER, SARA
CAMPOS, by her next friend ANA
SIMARD, and AUDREY ROKAW, by her
next friend NINA PINSKY, individually
and on behalf of all persons similarly
situated,**

Plaintiffs,

- against -

**NIRAV SHAH, M.D., as Commissioner of
the New York State Department of Health,
and ELIZABETH BERLIN, as Executive
Deputy Commissioner of the New York
State Office of Temporary and Disability
Assistance, and ROBERT DOAR, as
Administrator of the New York City
Human Resources
Administration/Department of Social
Services,**

Defendants.

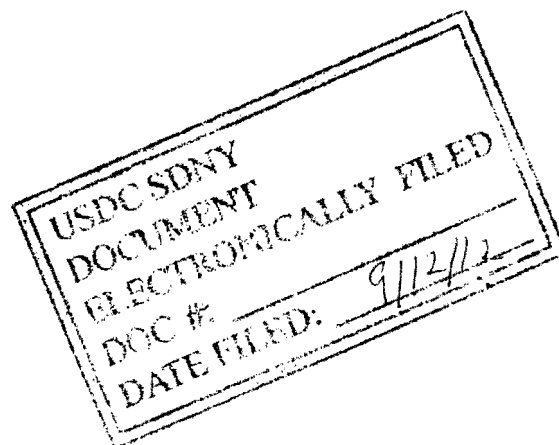
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SHIRA A. SCHEINDLIN, U.S.D.J.:

I. INTRODUCTION

At a conference on September 10, 2012, counsel for defendant New York City asked that I amend the preliminary injunction issued on September 4, 2012 that prohibits the City from terminating or reducing split shift care because

ORDER

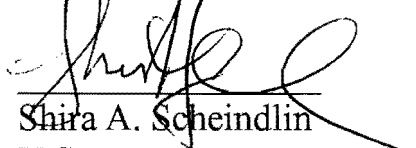
12 Civ. 3216 (SAS)



there has been a change in the recipient's medical condition, unless the City submits to the recipient a declaration, signed by a physician who has personally examined the recipient, that details a material change in the patient's condition and certifies that because of the change the recipient is no longer eligible for split-shift care.¹

Having considered the arguments presented by both parties on the record, I find no good reason to amend the preliminary injunction. Numerous administrative law judges previously found that the City was improperly relying on the "change in condition" exception. Although requiring that a doctor personally examine a patient and sign a declaration may impose minor additional costs on the City, this protection is necessary to prevent further unlawful reductions or terminations.

SO ORDERED:



Shira A. Scheindlin
U.S.D.J.

Dated: September 12, 2012
New York, New York

¹ 9/4/12 Opinion and Order at *47 [Docket No. 61].

Appearances

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