

Crabtree v. Goeiz

United States District Court for the Middle District of Tennessee, Nashville Division
December 18, 2008, Decided; December 19, 2008, Filed
NO. 3:08-0939

Reporter: 2008 U.S. Dist. LEXIS 103092
SARAH CRABTREE, et al., Plaintiffs, v. DAVE GOEIZ, et al., Defendants.

Prior History: Crabtree v. Goetz, 2008 U.S. Dist. LEXIS 103097 (M.D. Tenn., Dec. 18, 2008)

Counsel: [*1] For Sarah Crabtree, Velma Ledbetter, Carl Anders, George Dylan Brown, Willowdeen Burrows, Hazel S. Graham, Jessica W. Pipkin, Lena Burgess, Wilma F. Stills, Odell Owens, Ellar Lowman, Carol Smith, Joel DeHaas, Margaret Connelly, Plaintiffs: Jane Perkins, Sarah Somers, LEAD ATTORNEYS, PRO HAC VICE, National Health Law Program, Chapel Hill, NC; Michael G. Abelow, LEAD ATTORNEY, Sherrard & Roe, Nashville, TN; Stephen F. Gold, LEAD ATTORNEY, PRO HAC VICE, Philadelphia, PA.

For Larry Scott Ervin, Megan Allen, Florence Adams, Marvin Ray Berry, Jr., Delores Baker, Lorrinda Mabry, Plaintiffs: Jane Perkins, Sarah Somers, LEAD ATTORNEYS, PRO HAC VICE, National Health Law Program, Chapel Hill, NC; Michael G. Abelow, LEAD ATTORNEY, Sherrard & Roe, Nashville, TN; Stephen F. Gold, LEAD ATTORNEY, PRO HAC VICE, Philadelphia, PA; Kathryn A. Evans, Legal Aid Society of Middle Tennessee, Nashville, TN; Lenny Lee Croce, Tennessee Justice Center, Inc., Nashville, TN.

For David Goetz, Commissioner, Tennessee Department of Finance and Administration, Darin Gordon, Deputy Commissioner and Director, Bureau of TennCare, Defendants: Carolyn E. Reed, Linda A. Ross, LEAD ATTORNEYS, Tennessee Attorney General's Office, [*2] Nashville, TN; Charles J. Cooper, Michael W. Kirk, Nicole J. Moss, LEAD ATTORNEYS, PRO HAC VICE, Cooper & Kirk, Washington, DC.

For John Chadwick, Michael Chisholm, Pamela Goodin, David Scott, Anna Swindle, Intervenor Plaintiffs: Michael G. Abelow, Sherrard & Roe, Nashville, TN.

Judges: WILLIAM J. HAYNES, JR., United States District Judge.

Opinion by: WILLIAM J. HAYNES, JR.

Opinion

ORDER

In accordance with the Memorandum filed herewith, the Plaintiffs' motion for a preliminary injunction (Docket Entry No 2) is **GRANTED** Accordingly, pending further Order of the Court, it is **ORDERED** that

- (1) the Defendants shall refrain from imposing the cuts in Home Health and Private Duty Nurse upon the Plaintiffs until the community-based, patient centered system authorized by the State's Long-Term Care Community Choices Act is implemented and available to Plaintiffs;
- (2) the Defendants shall conduct individualized assessments of the Plaintiffs to determine the specific needs of each Plaintiff, including the amount of time required to meet those needs, and the extent to which family or other natural supports are available, and whether the needs could be satisfied in the community at less cost than Defendants are presently paying; and
- (3) [*3] the Defendants shall determine whether nursing homes will in fact provide the services each Plaintiff requires.

It is so **ORDERED**.

Entered this the 18th day of December, 2008.

/s/ William J. Haynes, Jr.

WILLIAM J. HAYNES, JR.

United States District Judge