

ULS Settles the Long-Running St. Elizabeths Hospital Litigation

Six and a half years ago, ULS filed a lawsuit in Federal Court, asking the court to enjoin practices at Saint Elizabeth that ULS believed resulted in abuse and neglect. After years of discovery and extensive work in conjunction with the U.S. Department of Justice, the District and ULS have finally crafted a settlement that we are hopeful will benefit the individuals who continue to reside at the Hospital. The Hospital has made significant improvements since 2005. The greatest improvement has been its reduction in census. As of August, 2011, there were only 278 patients compared to more than 500 when the lawsuit began. Nevertheless, ULS continues to have concerns, many of which were outlined in its recent report, Behind Locked Doors, <http://www.uls-dc.org/Behind-2520Locked-2520Doors-2520St-2520Eizabeths-25202-25202011-2520corrected.pdf>.

In order to resolve this long-running litigation, ULS has accepted a settlement which it hopes will enable ULS to more efficiently and effectively advocate for the individuals who are still at the Hospital. Settlement funds provided by the District will be used to fund an advocate position for the next three years. This person will focus on advocating for individuals who may be victims of abuse and neglect. The position will also advocate at other hospitals and CPEP, where more and more of the District's consumers are being treated.

One of ULS' primary goals for the lawsuit was to obtain greater openness and access to information affecting the patients at St. Elizabeths, believing that exposure of the system's problems will lead to fixes. A second part of the settlement will address this goal. Since the new hospital building has opened, ULS has faced significant delays visiting individuals on the wards. A check-in procedure -- requiring staff to come to the waiting area and escort ULS to individual wards -- has been cumbersome to both ULS and Hospital staff. Under the agreement, ULS will have access to a card key to use during most hours of the day. This will allow ULS to by-pass the time-consuming process of waiting for an escort and also allow ULS to move from ward to ward.

Additionally, the Hospital will provide ULS with significant information about safety issues and inform ULS within three days of a patient death. Finally, ULS will participate in DOJ's final monitoring visits and have the opportunity to express its concerns about problems at the Hospital.

It is important to note that ULS could not have handled this lawsuit alone. The law firm of King and Spalding provided invaluable guidance and resources. To facilitate the settlement, both King and Spalding and ULS waived significant fees and thousands of dollars in expenses. In particular, King & Spalding partner, Richard Schneider, and associate, Lauren Reeder, put in hundreds of hours of uncompensated time to help those in greatest need. Their service to the District of Columbia is greatly appreciated.

If you have any questions concerning this settlement, please contact Mary Nell Clark, Managing Attorney, at 202-547-0198.