



DEPARTMENT OF HEALTH

**News Release**

**NEIL ABERCROMBIE**  
GOVERNOR

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12-042

**STATE AND HAWAI'I DISABILITY RIGHTS CENTER REACH SETTLEMENT AGREEMENT OVER CLASS ACTION LAWSUIT**

HONOLULU – A settlement agreement has been reached for the class action lawsuit (E.P., et. al. v. State of Hawai'i, Department of Health, et al, Civil No. 10-1-1357-06) filed against the Hawai'i State Department of Health's Adult Mental Health Division (AMHD) by the Hawai'i Disability Rights Center and Alston Hunt Floyd & Ing. The lawsuit was filed on behalf of Hawai'i residents that were denied eligibility for state mental health services because of state policy and procedural changes that became effective on July 1, 2009.

The plaintiff class is defined as: **"All residents of the State of Hawai'i who have a mental illness and applied for services from the State of Hawai'i, Department of Health, Adult Mental Health Division ("AMHD") between July 1, 2009 and December 16, 2010 and were denied eligibility for AMHD services due to the implementation of AMHD's Policy and Procedure No. 60.601, which became effective on July 1, 2009, but would have been found eligible for services under the policy in effect on June 30, 2009."**

The settlement will require AMHD to allow all members of the plaintiff class to be reassessed under the state's 2004 eligibility criteria for mental health services provided by the state. AMHD estimates there are approximately 250 individuals in the plaintiff class. All identified members of the plaintiff class will be notified by mail, and all those who respond will be provided an assessment for services under the eligibility criteria in effect on June 30, 2009.

(more)

Preliminary approval of the settlement was granted by Judge Virginia L. Crandall on June 7, 2012, and a fairness hearing is set for September 7, 2012 at 9:30 a.m. in the courtroom of Judge Crandall at 777 Punchbowl Street in Honolulu.

Prior to the court hearing, members of the plaintiff class may choose to “opt out” and not participate in the settlement. They may then retain their own attorney and take legal action on their own. Members of the plaintiff class may also attend or be represented at the court hearing, at their own expense, to state their position as to whether the settlement should or should not be approved.

Members of the plaintiff class who do not opt out of the proposed settlement will be bound by the settlement and dismissal of claims against the state and will have no right to re-litigate any of the claims asserted on behalf of the plaintiff class.

If members of the class wish to opt out and not participate in this settlement, they must send written notice of that intent to class counsel (contact information provided below). A request to opt out and be excluded from the Class must contain the Class member’s: (1) legal name, (2) address, (3) telephone number, (4) a clear written request to be excluded from the class, (5) the case reference number, Civil Number 10-1-1357-06 (VLC) and (6) the class member’s signature. Any request to opt out must be received by plaintiffs’ counsel by **August 31, 2012**.

Members of the plaintiff class or their counsel may also file a written objection with the court pursuant to the rules and procedures of the Circuit Court for the First Circuit of the State of Hawai’i prior to the fairness hearing. The deadline for submitting written objections is **August 31, 2012**.

The Complaint; Settlement and Release Agreement; Motion for Preliminary Approval of Settlement; and other relevant documents are available at [www.hawaiidisabilityrights.org](http://www.hawaiidisabilityrights.org).

Members of the Class may contact Class Counsel at:

Louis Erteschik, Esq.  
Hawai’i Disability Rights Center  
1132 Bishop Street, #2102  
Honolulu, HI 96813  
Phone: (808) 949-2922

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