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EDITORIAL

Despair's Profiteers

It was not that long ago that mentally ill people, even those who were capable of living independently, were locked away by the tens of thousands in notoriously primitive hospitals. Congress passed the Americans With Disabilities Act of 1990, which forbids arbitrary and unjustified isolation of the mentally ill and requires the states to treat them in community-based settings in cases where this treatment is appropriate.

A [federal court ruling](#) in New York last week shows that mentally ill people are still being illegally warehoused, this time in smaller, but still horrifyingly inadequate for-profit adult homes. Judge Nicholas Garaufis ruled that the state had violated federal disability law by confining more than 4,000 mentally ill people in privately run adult homes that he described as “even more restrictive or ‘institutional’ than psychiatric hospitals.”

The ruling, which applies to people who do not present a danger to themselves or to others, paints a disheartening picture of facilities that are more like jails than homes; ones that fail to provide residents with privacy, freedom or activities that would help them to become fully functioning. The isolation often deepens patients' illness and despair.

New York was supposed to have cleaned up this industry since [The Times reported in 2002](#) that the homes' owners were pushing patients to undergo unnecessary medical procedures to rake in money from Medicaid and Medicare. According to testimony cited in the ruling, some owners appear to be driving up their profits, and government health care costs, by renting space to preferred medical providers at inflated rates and pushing residents to use those providers.

That so many of New York's mentally ill are still being warehoused in adult homes is especially surprising, given that the state pioneered a far superior alternative — supported housing. Thousands of mental ill people live independently in subsidized apartments, receiving support services from community-based agencies.

This approach is far better for the clients. According to the judge's decision, it is also less expensive than the adult home model, due in part to lower Medicaid costs.

Judge Garaufis has required the state to produce a plan to correct the problem by mid-October. The state should not appeal this decision. Instead, officials should devise a strategy for moving as many residents as possible into supported housing. That is the best way to comply with federal law and give people the chance and the help they need to develop viable, mainstream lives.