

Judge rules Texas has been illegally placing people with severe disabilities in nursing homes for decades, Dan Katz, Jackie Velez, (June 22nd, 2025)

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A federal judge in San Antonio has ruled that the state of Texas for decades unnecessarily institutionalized 4,500 people with intellectual and developmental disabilities in nursing home facilities, denying them appropriate services that are required under federal law.

U.S. District Court Judge Orlando Garcia of the Western District Court of Texas on Tuesday called the violation "severe and ongoing."

"Texas' actions have caused irreparable injury to people with IDD [Intellectual and Developmental Disabilities] who are in nursing facilities," Garcia wrote in his [475-page ruling](#).

Garcia said the state deprived thousands of people from "preadmission screenings, professionally appropriate assessments of their habilitative needs, specialized services to meet those needs, and active treatment."

The ruling came in a class action lawsuit filed 15 years ago on behalf of institutionalized plaintiffs represented by the Center for Public Representation, Disability Rights Texas and Sidley Austin LLP.

Steven Schwartz, special counsel at the Center for Public representation, called it a landmark ruling a long time in the making.

"It is clear that this court cares about people who told their stories, elevated their sometimes-tragic situations, and was really compassionate in understanding what sort of terrible lives people were forced into, unwittingly, unknowingly and really against their will," Schwartz told TPR.

Congress passed a statute under the Medicaid Act in 1987 that required screening in order to identify community programs instead of automatically institutionalizing people.

"Texas just ignored the statute. At some point, the federal government came down on Texas and said, 'You can't do this anymore.' And shortly thereafter, we brought this lawsuit in 2010," Schwartz said. "The case was brought forth at that point on behalf of 4,500 individuals with intellectual and developmental disabilities who were unnecessarily segregated in Texas nursing facilities. And they were not getting even minimally adequate levels of services that is required by federal law."

In 2013, the plaintiffs negotiated a settlement agreement with the state of Texas that would make community programs available as an alternative.

"At that point, a new governor took over, and the governor [Gov. Greg Abbott] repudiated the agreement and refused to sign it," Schwartz said. "So essentially, we wasted four or five years trying to negotiate a collaborative approach that would be less expensive, less intrusive, more effective, obviously timelier than a lengthy court process when the governor said, 'no thanks.' Then the court process started up."

The Texas Health and Human Services Commission says it is reviewing the court's decision.

Judge Garcia ordered the state of Texas and the plaintiffs to get together and propose a fix to the violations by August 1.

Schwartz said the plaintiffs are hoping to talk to the state soon. In the meantime, he praised the decision that he said starts the path for many of the people institutionalized by the state of Texas to come home.

"And for the four named plaintiffs, and probably many others, who died waiting for Texas to comply with federal law, this decision is a poignant testimony to their patience, perseverance, and courage."