

Brad H. Discharge Planning ServicesBrief overview

The settlement agreement in *Brad H. v. City of New York* requires the City to provide discharge planning services for people receiving mental health treatment in NYC jails. In 2003 the parties settled the litigation. Over the last 18 years, the settlement has been extended several times. Currently the provisions of the settlement expire on April 26, 2023.

Discharge planning services are available to everyone who is designated a *Brad H.* class member. The class includes all people who are incarcerated in a NYC Department of Correction (DOC) facility (City jail) for 24 hours or more and receive mental health treatment during their incarceration. Individuals seen by mental health staff no more than twice and assessed as not needing further treatment are excluded from the class. Class members are entitled to an individualized assessment of their need for continued mental health treatment and supportive services, public benefits, housing or shelter, and transportation and assistance obtaining those services and resources.

The provisions do not apply to class members who are released from DOC directly to state prison or any other correctional or detention facility. Class members have the right to refuse some or all services and to accept others.

Services available to all *Brad H.* class members

- Discharge Summary
- Appointment (if release date known one business day in advance)/Referral (if case pending) for mental health and/or substance use treatment
- Psychotropic Medication/Prescriptions (if prescribed before discharge)
 - If released from jail – 7-day supply and 14-day e-prescription, with one refill, to class member’s preferred pharmacy
 - If released from court and goes to CRAN (Community Re-entry Assistance Network) office within 14 days of release – e-prescription
 - If released from court and goes to CRAN office between 15 and 30 days after release – assistance connecting with treatment provider
 - If released to residential treatment – supply of medication that the treatment provider requires at intake

- Medicaid/MGP
 - If Medicaid is suspended while in jail – reinstatement within 4 business days of release¹
 - If no Medicaid before incarceration, assistance applying and activation of benefits within 7 business days of release
 - Medication Grant Program (MGP) card – enables class member to obtain psychotropic medication while Medicaid is pending
- DHS shelter referral

Services available to class members with “Serious Mental Illness”²

- Case management – all receive referral to CRAN; some class members referred through SPOA (Single Point of Access) for more intensive care coordination, ACT (assertive community treatment), or FACT (forensic ACT)
- Public Assistance/Food Stamps application
- SSI application/reinstatement – if sentenced
- Veterans benefits
- Supportive housing
- Expedited placement in DHS program shelter if goes to shelter on release date
- Transportation

Services available to class members within 30 days of release from incarceration

The settlement provides for class members who are released without a completed discharge plan to receive discharge planning services at a SPAN office in the community. In 2017 the City combined SPAN and LINK services into the Community Re-entry Assistance Network (CRAN) Program and contracted with EAC Network to provide these services at the following locations:

Bronx

1020 Grand Concourse, North Professional Wing
Bronx, NY 10451
(718) 538-7416

Brooklyn

175 Remsen Street, 5th Floor
Brooklyn, NY 11201
(718) 975-0180

¹ Class members who were enrolled in Medicaid through the Individual Marketplace administered by NYS Department of Health (SDOH) and have their benefits suspended while incarcerated are entitled to have their benefits reinstated upon release. However, SDOH is responsible for this process and is not a party to the *Brad H.* litigation.

² For the purpose of the settlement, Serious Mental Illness (SMI) means a diagnosis-based categorization consisting of the following disorders as described in the DSM-5: schizophrenia spectrum and other psychotic disorders; bipolar and related disorders; depressive disorders; and PTSD. Any of the foregoing diagnoses resulting from a substance use or a medical condition are excluded. Individuals who do not meet the preceding diagnostic criteria, but experience significant functional impairment or clinical distress as a result of a DSM-5 diagnosis, shall be designated with SMI, but such designation may be removed with the approval of clinical supervisor or supervising psychiatrist by documenting the designation is not clinically appropriate in the context of an individual class member.

Manhattan

80 Centre Street, Suite 200C
New York, NY
718-975-1180

Queens

120-34 Queens Boulevard, Suite 225
Kew Gardens, NY 11415
718-261-4202

Staten Island

120 Stuyvesant Place, Suite 410
Staten Island, NY 10301
(718) 727-9722

Settlement provisions regarding release from DOC custody

- Class members must be released during daylight hours, specifically no earlier than 8 a.m., but this provision does not apply to class members released from incarceration on bail or pursuant to court orders requiring that they be released immediately or class members released from DOC custody directly from a courthouse.³
- Class members who would otherwise have been released from DOC custody directly from a courthouse shall not be returned to a City jail because of their status as a class member.⁴

Settlement provision that may affect release

- Class members released from a City jail in need of continued psychotropic medication shall be provided with 7-day supply of the medication they were receiving immediately prior to release and a 14-day e-prescription with one refill.⁵
- Class members are entitled to a discharge summary upon release from a City jail.⁶

For more information or to report noncompliance

Urban Justice Center, New York Lawyers for the Public Interest, and Debevoise & Plimpton LLP monitor the City's compliance with the settlement. Contact Jennifer (JJ) Parish (646.602.5644, jparish@urbanjustice.org,) or Marco Barrios (646.459.3093, mbarrios@urbanjustice.org) to report noncompliance or obtain more information about the settlement. You can also contact the court-appointed compliance monitors Erik Roskes and Henry Dlugacz (hdlugacz@blhny.com) regarding apparent violations of the settlement.

³ See *Brad H. Amendment Stipulation*, Exhibit A, ¶ 32.

⁴ *Id.* at ¶ 33.

⁵ *Id.* at ¶ 52.

⁶ *Id.* at ¶ 23.