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Civil Rights Lawsuit Filed to Secure Video Camera in the Room of a Nursing Facility Resident with Severe Disabilities

*AARP Foundation and Advocacy Center of Louisiana
Represent Nursing Facility Resident*

New Orleans, LA – Ann Graff, a 92-year old resident at the Heritage Manor of Slidell nursing facility, today filed a lawsuit against Heritage Manor of Slidell, LLC, and Medico, LLC, for allegedly discriminating against her on the basis of her disability and violating her rights as a Louisiana nursing facility resident.

Mrs. Graff filed the lawsuit in the U.S. District Court for the Eastern District of Louisiana, seeking to enforce her rights under the Americans with Disabilities Act, the Rehabilitation Act, the Fair Housing Act, and the Louisiana Nursing Home Residents' Bill of Rights.

Mrs. Graff and her daughter/curator Lucie Titus are represented by attorneys from the Advocacy Center of Louisiana and AARP Foundation.

The suit states that Mrs. Graff has severe Alzheimer's disease, which significantly inhibits her memory, cognition, and ability to communicate. On May 7, 2017, her daughter, who also serves as her curator, found her in bed with a black eye and excruciating back pain. According to the complaint, no one at the facility could explain how or when she was injured. Due to her complicated disabilities, Mrs. Graff also could not communicate how she was injured.

Mrs. Graff's curator requested permission to install her own video camera in her room. She argues that the video camera would serve as a means for Mrs. Graff to communicate what is happening to her on a daily basis, including who is interacting with her and how she is responding to the care that Heritage Manor provides. The suit states that the requested video camera would be focused only on Mrs. Graff's bed and would not record any audio. The nursing facility reportedly refused her request.

Mrs. Graff seeks immediate relief in the form of a preliminary injunction requiring Defendants to permit the installation of a video camera in her room to facilitate her communication about what happens in her room each day.

“It is vital that my mom have this camera in her room so that I can make sure she is getting the daily care that she needs,” says Lucie Titus, Mrs. Graff’s daughter and curator. “My mother is no longer able to communicate with me or the staff at the facility in a logical or reliable way. The fact that the facility cannot tell me how she was injured leaves me guessing about what she experiences each day. The camera would fill in those gaps about what is happening so I can make sure she is safe and well-cared for.”

Mrs. Graff’s attorneys felt the suit was necessary to protect her civil rights. Amitai Heller of the Advocacy Center of Louisiana said, “we are disappointed that such a harmless request requires us to go to court. Heritage Manor’s decision to deny Mrs. Graff access to technology that would help her to communicate her needs to her family is a blatant violation of her civil rights,” The Advocacy Center of Louisiana is the protection and advocacy agency for the State of Louisiana.

Added William Alvarado Rivera, Senior Vice President for Litigation at AARP Foundation, “nursing facility residents who have disabilities that impair their ability to communicate have the right to use technology that can facilitate communications with their caregivers. People living in nursing facilities can feel completely isolated and vulnerable, and that isolation is even more pronounced if they are unable to communicate about their injuries or unmet needs.”

About AARP Foundation

AARP Foundation works to ensure that low-income older adults have nutritious food, affordable housing, a steady income and strong and sustaining bonds. We collaborate with individuals and organizations who share our commitment to innovation and our passion for problem solving. Supported by vigorous legal advocacy, we create and advance effective solutions that help struggling older adults transform their lives. AARP Foundation is the affiliated charity of AARP.

About AARP

AARP is a nonprofit, nonpartisan organization, with a membership of nearly 38 million that helps people turn their goals and dreams into 'Real Possibilities' by changing the way America defines aging. With staffed offices in all 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands, AARP works to strengthen communities and promote the issues that matter most to families such as healthcare security, financial security and personal fulfillment. AARP also advocates for individuals in the marketplace by selecting products and services of high quality and value to carry the AARP name. As a trusted source for news and information, AARP produces the world's largest circulation magazine, AARP The Magazine and AARP Bulletin. AARP does not endorse candidates for public office or make contributions to political campaigns or candidates.