



May 25, 2006

FOR IMMEDIATE RELEASE

Legal Center Files Suit on Behalf of Twelve-Year Old Boy with Developmental Disability Who Was Terminated from Medicaid Program Because He Sought Treatment Out of State

Media Contacts:

Andrea Faley – 303-722-0300, extension 241, afaley@thelegalcenter.org

Liz Fuselier – 303-722-0300, extension 229, fuselier@thelegalcenter.org

The Legal Center for People with Disabilities and Older People, 455 Sherman St., Ste. 130, Denver, CO 80203

(Denver) - On Wednesday, May 24, 2006, The Legal Center filed suit on behalf of a twelve-year old boy who has both Fragile X and Down syndromes. The suit alleges that the state unlawfully terminated Christian Schleusener from the Children's Extensive Support program, a Colorado Medicaid program designed to provide services to children with developmental disabilities so they do not have to live in institutions, group homes, or other out-of-home placements. At stake is \$250,000 in unpaid hospital bills that could financially ruin Christian's family.

In recent years, Christian Schleusener's disability caused him to become extremely violent. His family tried treatment in Colorado but nothing worked. Doctors feared Christian would have to be institutionalized. As a last-ditch effort to keep him at home, Christian's parents, Rick and Julie Schleusener, brought him to Bradley Hospital in Rhode Island. Bradley is one of only a few hospitals in the country with a program to treat children with developmental disabilities who experience emotional or behavioral problems.

After several months, doctors at Bradley were able to get a handle on Christian's previously undiagnosed physical problems. They also implemented a behavioral program that worked. When Christian came home, the improvement was dramatic. "For the first time in years, Christian is calm and happy," said Julie Schleusener, "Without Bradley Hospital, we probably would have lost Christian to a group home or other out-of-home placement. We are living a miracle."

"However, the agencies responsible for administering Christian's Medicaid program aren't interested in miracles," said the Schleusener's attorney, Andrea Faley. Agency officials responded to Christian's hospitalization at Bradley by terminating him from the program. They asserted that Christian had to be terminated because he was not in Colorado to receive program services. Officials have been unable to determine whether Medicaid will cover the \$250,000 in hospital bills that has not been covered by the Schleusener's private insurance.

The lawsuit contends that state agencies terminated Christian from his Medicaid program without due process. "Part of the frustration here," said Ms. Faley, "is that the family hasn't been able to get any definitive answers about this hospitalization. Perhaps the lawsuit would not have been necessary if we could have just gotten the various Medicaid agencies involved to get together to figure this out." For a copy of the [Complaint](#), click here.

The Legal Center for People with Disabilities and Older People is a nonprofit organization established in 1976. The Legal Center uses the legal system to protect and promote the rights of individuals with disabilities and older adults through direct legal representation, advocacy, education and legislative analysis.

Parties & Case Number:

Plaintiffs: Richard and Julie Schleusener, on behalf of their minor child, Christian Schleusener

Defendants: Foothills Gateway, Inc., Colorado Department of Human Services, Colorado Department of Health Care Policy and Financing.

Case No.: 06CV5886