



DISABILITY RIGHTS OREGON

**FOR IMMEDIATE RELEASE**  
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### **MAN WITH QUADRIPLEGIA SETTLES CASE FOR NEEDED HOME CARE**

Yesterday, Magistrate Judge Thomas Coffin signed a Final Order and Judgment, adopting a Settlement Agreement between Clay Freeman and the Oregon Department of Human Services. As a result of a diving accident 12 years ago, Mr. Freeman, now 34, is paralyzed from the neck down and requires a ventilator to breath. He has relied upon in-home services, funded through Oregon's Home and Community-Based Medicaid Waiver, which allows him to live at home and avoid institutional care that is both more restrictive and more costly. Freeman's in-home care was threatened when the state would not pay for the level of care he needs.

Under the terms of the Settlement Agreement:

- Mr. Freeman's four homecare workers will be paid \$3/hr more than the union rate for other homecare workers;
- New workers will receive training from a contract Registered Nurse;
- Mr. Freeman's experienced homecare workers will be paid for helping his new caregivers learn other medical procedures; and
- A respite plan will be developed to prevent a repeat of the crisis that led to the emergency filing of this case. In June, Mr. Freeman was down to only two caregivers who would work for the wages available.

Under this settlement, Mr. Freeman will have a full staff of trained caregivers and will be able to return to college to complete his bachelor's degree. He will have backup caregivers in place so that if a worker is ill or takes a vacation, Mr. Freeman will not be endangered. This is essential because no facility will take Mr. Freeman on a short term basis unless he has a medical crisis requiring hospitalization. His only alternative to home care is long-term placement in an adult foster home, where his ability to lead his active daily life would end.

Mr. Freeman said, "I'm extremely happy with the way things turned out, and I feel the settlement will solve the problems I've had in the past. I'm looking forward to the future and hope this decision can help other quads who are suffering with the same issue."

"This is a stunning victory for all those who desire to remain in their own homes and live independent lives despite their severe disabilities," said Kathy Wilde of Disability Rights Oregon, one of the attorneys for Mr. Freeman. "It's a vindication of the principles of self-determination." Mr. Freeman was also represented by Peter James of the Oregon Law Center and Stephen F. Gold of Philadelphia.

The Court will retain continuing jurisdiction over the case to enforce the terms of the Settlement Agreement.

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