

Texas is illegally keeping people with disabilities in nursing homes, federal judge rules

A federal judge determined the state illegally institutionalized severely disabled people for decades, often in poorly run facilities.

BY **STEPHEN SIMPSON** JUNE 20, 2025 2 PM CENTRAL

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Texas has been violating federal law for decades by sequestering individuals with severe disabilities in poorly run nursing homes without offering them alternative living options and services in the community, a federal judge has ruled.

U.S. District Court Judge Orlando Garcia from the Western District Court of Texas ruled on Tuesday that the state has caused irreparable injury to people with intellectual and developmental disabilities by denying them specialized services, including federally-required services within the community.

“Although community programs are the most integrated setting appropriate to meet their needs, they remain unnecessarily institutionalized in nursing facilities, or at serious risk of such institutionalization. They are harmed by such institutionalization and deprived of living in a community setting and participating in integrated community programs,” Garcia said in his 475-page ruling.

The decision stems from a [class action lawsuit](#), filed in 2010 by disability rights advocates and six institutionalized plaintiffs between the ages of 26 and 46, that alleges that state social services officials have violated the [Americans with Disabilities Act](#) by failing to provide appropriate treatment to some 4,500 Texans living in nursing homes.

Advocates say the state has consistently sent individuals who were receiving care for their disabilities at home or in the community to nursing homes by mistake after being hospitalized for an illness. Once there, they don't receive the services they need because they haven't been

adequately screened, and they are effectively trapped, since many can't argue for their transfer.

Garth Corbett, senior attorney for Disability Rights Texas, praised the court decision, noting it entrenches the rights of individuals to leave a nursing facility and transition to the community.

"It underscores the right of persons admitted to nursing facilities with IDD to be provided the necessary supports and services required by federal Medicaid law, so that those who want to live at home or in another community-based setting are able to do so safely," he said.

The state coordinates services for the severely disabled through [Medicaid waiver programs](#). Funded by the state and federally, the programs help pay for various services, including residential support, skill development, job coaching, home modifications and specialized therapies.

Most individuals with intellectual or developmental disabilities are placed on a waitlist for one of these Medicaid waiver programs at an early age. By the time they become adults, the state funds most of their care, making them reliant on the decisions made by state agencies.

Jennifer Ruffcorn, a spokesperson for Texas Health and Human Services Commission, said in an email this week that the agency is reviewing the judge's decision.

In 1987, the U.S. Congress passed the [Nursing Home Reform Act](#) after a study found that many nursing home residents were not receiving adequate care and that neglect and abuse were common. This also mandates nursing homes to screen all applicants for evidence of severe mental illness and IDD before admitting them. The goal was to ensure individuals with severe disabilities were not inappropriately placed in nursing homes, which degraded their overall health more quickly than if they received services in the community, according to the study.

Garcia stated in his opinion that the state's failure to provide these services constitutes a longstanding violation of several federal laws, including the Nursing Home Reform Act, the [Americans with Disabilities Act](#), and the [Medicaid Act](#).

The opinion included a multitude of stories about individuals with severe disabilities. Reports of broken wheelchairs, individuals trapped in facilities unable to see their families, and families who were advocating for more services for their loved ones but were ignored were all examples Garcia listed as ways Texas was violating federal law.

"Even if the State has made some changes since the trial of this case, past conduct has shown a likelihood of future repetition," he said.

Steven Schwartz, special counsel from the Center for Public Representation, who represented the plaintiffs in this case, lauded the ruling as the most comprehensive and poignant opinion he has seen in his 50 years of practicing law.

“The opinion is sweeping in its scope and breathtaking in its impact for people with IDD,” said Schwartz. “He has made it clear that the rights Congress established through the Medicaid Act and the Nursing Home Reform Act are critically important rights, and Texas has systematically violated those rights.”

The state had previously reached an interim agreement with the plaintiffs in 2013 where they committed to expanding community living options for people with intellectual disabilities; to avoiding admitting individuals with severe disabilities to a nursing facility if those people can safely live in the community instead; and to devising educational activities to address community living options for affected individuals and their families.

However, when Gov. Greg Abbott took office in 2014, the state refused to sign the final settlement agreement, prompting the lawsuit that has been ongoing for the past decade.

“It would have clearly been a better resolution for everyone. It would have been more timely, safer, less expensive, and would not have required a federal judge to issue all these orders; instead, it could have been done by agreement,” Schwartz said.

Schwartz said the decision by the judge didn’t come with immediate requirements., Both the state and the plaintiffs must submit their proposals for changes by August 1. He said after that, he will impose requirements on the state.

“Texas knows how to serve people in the community with significant needs. Programs are in place that are effective, cost-effective, and clinically effective, serving the most challenged individuals,” Schwartz said. “Obviously, they don’t have enough, but this isn’t a new science or changing the fundamental way Texas operates; it just has to expand to do it.”
