

NEWS RELEASE

FOR IMMEDIATE RELEASE

MARCH 10, 2022

DANNLAW ASKS FEDERAL COURT TO ORDER OFFICIALS OF WOODLAND BEHAVIORAL HEALTH TO STOP INTERFERING WITH DISABILITY RIGHTS NEW JERSEY'S INVESTIGATION OF ABUSE AND NEGLECT AT TROUBLED FACILITY

Trenton, NJ - On Tuesday March 8, Attorneys Javier Merino and Andrew Wolf of DannLaw asked the Federal District Court for New Jersey to issue an injunction ordering the owners and operators of Woodland Behavioral Health to stop interfering with Disability Rights New Jersey's (Disability Rights NJ) ongoing investigation of abuse and neglect at the troubled Andover, New Jersey nursing facility. A hearing on the motion will be held via Zoom at 10:00 A.M. on Friday, March 11, 2022 before Judge Brian R. Martinotti.

Disability Rights NJ, a private non-profit organization, is designated by New Jersey to protect and advocate for people with disabilities across the state. Designated Protection and Advocacy systems like Disability Rights NJ have unique authority under federal law to conduct unannounced and unaccompanied visits to any facility serving people with disabilities to monitor for and investigate alleged abuse and neglect.

In April 2020, the New York Times published a story indicating that a high percentage of residents at Woodland, then known as Andover II, had died from COVID-19 and bodies were being stored on site.^[1] Disability Rights NJ requested information from the administrators to better understand the population, and learned that the facility houses a disproportionately high percentage of residents with mental health issues, developmental disabilities, and traumatic brain injuries compared to other long term care facilities in the state.

Disability Rights NJ determined there was probable cause to suspect that all residents at Woodland have been subject to ongoing abuse, neglect, and rights violations based on serious incidents of abuse and neglect documented in a "Notice of Violations, Corrective Action, and State Monitoring" that had been issued by the New Jersey Department of Health on February 10, 2022. As Disability Rights NJ began its investigation with on-site visits in the following month, Woodland administrators and staff consistently tried to interrupt the investigation and obstruct unaccompanied access to the facility and residents. Without unaccompanied access, residents that depend on Woodland staff for every need may worry that any candid complaints they make about the conditions there may be overheard by the management and staff.

The suit filed by DannLaw asserts that Woodland's management and staff have repeatedly interfered with and are attempting to stop Disability Rights NJ investigators from speaking privately with individuals with disabilities at the facility and reviewing pertinent records in violation of three federal statutes: the Protection & Advocacy for Individuals with Mental Illness (PAIMI) Act, the Protection & Advocacy for the Developmentally Disabled (PADD) Act, and the Protection and Advocacy of Individual Rights (PAIR) Act.

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[1] See After Anonymous Tip, 17 Bodies Found at Nursing Home Hit by Virus, N.Y. Times, Apr. 15, 2020, available at <https://www.nytimes.com/2020/04/15/nyregion/coronavirus-nj-andover-nursing-home-deaths.html>

“Disability Rights NJ has the absolute right under federal law to access and communicate privately with residents of the facility formally and informally, in person, by mail, and by phone and to access the records,” Merino said. “Denying that access is not only against the law, it impedes Disability Rights NJ’s ability to protect and advocate for Woodland’s residents.”

To address the situation, Disability Rights NJ is asking the Court to issue the following:

- A declaratory judgment that Defendant has violated Plaintiff Disability Rights New Jersey’s rights under the PAIMI Act, PADD Act, and PAIR Act;
- An injunction ordering Defendant to provide Plaintiff Disability Rights New Jersey with reasonable unaccompanied access to speak privately with individuals with disabilities at Woodland pursuant to its federal authority;
- An injunction ordering Defendant to provide Plaintiff Disability Rights New Jersey with reasonable unaccompanied access to the facility at Woodland pursuant to its federal and state authority.

Pleadings in the case and supporting declarations from Ms. Orłowski and other Disability Rights NJ staff members may be viewed here: <https://dannlaw.com/wp-content/uploads/2022/03/Motion-and-other-documents.pdf>

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