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**NEW YORK STATE FAILED TO PROVIDE HEALTH BENEFITS
TO FORMER TEACHER WITH ALS**

*Lawsuit Claims that Man with ALS Who Uses Wheelchair
Was Denied Standing Device*

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Ronald Raymond, a retired vocational teacher for the New York State Department of Corrections, filed a lawsuit in New York State Supreme Court (Index No. 2015 - 1040) charging that the New York State Department of Civil Service improperly denied him necessary health benefits. Mr. Raymond has Amyotrophic Lateral Sclerosis, ALS, also known as Lou Gehrig's Disease. ALS is a progressive neurodegenerative disease that impairs the function of motor nerve cells in the brain and spinal cord. Mr. Raymond's condition has progressed to the point that he uses a wheelchair, and as a result four physicians and two physical therapists recommended use of a standing device to promote maintenance of the range of motion of his hips, reduce muscle spasms and spasticity, and prevent pressure sores. Mr. Raymond has been loaned a standing device which he has used daily for over ten months. His treating professionals report that he has benefited greatly from its use.

Defendant New York State Department of Civil Service is responsible for the administration and lawful operation of the health benefits plan offered to retired New York State employees. Defendants use the United Healthcare Insurance Company of New York as their agent for review and decision making regarding benefits requests and appeals. United Healthcare denied Mr. Raymond's initial request and appeal as not medically necessary despite significant evidence from Mr. Raymond's medical providers that he benefited greatly from use of the

standing device, medical literature recommending and organizational support for use of the standing device for people with similar conditions, and the fact that 45 state Medicaid programs, Medicare, the Department of Veterans Benefits, and many other private insurers cover and provide standing devices. When this same information was presented to the Department of Civil Service, it also took no action.

The lawsuit seeks provision of a standing device to Mr. Raymond.

Timothy A. Clune, Executive Director for Disability Rights New York, stated “ “If New York State is truly committed to ensuring that people with disabilities have the same opportunities to live as actively and independently as possible, it must stand by its former employee and provide this necessary device.”

Disability Rights New York (DRNY) and Lewis Golinker, Esq. are representing Mr. Raymond. DRNY is the Protection & Advocacy System and Client Assistance Program (P&A/CAP) for persons with disabilities in New York. DRNY provides free legal and other advocacy services to advance and protect the rights of people with disabilities and to ensure that they are free from abuse and neglect and unlawful discrimination. DRNY provides these services under federal grant funded mandates that have been established by Congress to protect and advocate for the rights, safety, and autonomy of people with disabilities. See DisabilityRightsNY.org for more information.

Lewis Golinker is the Director, Assistive Technology Law Center, Ithaca, New York. The ATLC provides free legal services and advocacy services to persons with disabilities nationwide who seek assistive devices, such as standing devices and other durable medical equipment items.