



U.S. Department of Justice

Civil Rights Division

*Assistant Attorney General
950 Pennsylvania Ave, NW - RFK
Washington, DC 20530*

August 27, 2024

The Honorable Andy Beshear
Governor of Kentucky
700 Capitol Avenue, Suite 100
Frankfort, Kentucky 40601

Re: Notice Regarding Investigation of Kentucky's Use of Psychiatric Hospitals to Serve Adults with Serious Mental Illness

Dear Governor Beshear:

The Department of Justice has conducted an investigation into whether the Commonwealth of Kentucky subjects adults with serious mental illness living in the Louisville/Jefferson County Metro area to unnecessary segregation, and serious risk of segregation, in psychiatric hospitals. The investigation was conducted under Title II of the Americans with Disabilities Act (ADA), 42 U.S.C. §§ 12131-12134.

After carefully reviewing the evidence, we have reasonable cause to believe that the Commonwealth of Kentucky violates Title II of the ADA by failing to provide services to adults with serious mental illness in the Louisville/Jefferson County Metro area in the most integrated setting appropriate to their needs. Consistent with the ADA's regulations, the enclosed Report includes our findings of fact and conclusions of law, and the measures that we believe will remedy the alleged violations.

We thank the Commonwealth for its full cooperation with our investigation, including readily providing access to staff, documents, and data. We hope to work with the Commonwealth to achieve a consensual resolution of the violations identified in the report. The lawyers assigned to this investigation will contact counsel for the Commonwealth to arrange those discussions. We are obliged to advise you that, in the event we are unable to reach such a resolution, we may take appropriate action, including initiation of a lawsuit, to ensure the State's compliance with the ADA. In addition, the complainant to our agency maintains the right to file a lawsuit at any time. *See* 28 C.F.R. § 35.172(d). Please also note that this Report is a public document. It will be posted on the Civil Rights Division's website.

If you have any questions regarding this correspondence, please call Steven H. Rosenbaum, Chief of the Special Litigation Section, at (202) 616-7157.

Sincerely,



Kristen Clarke
Assistant Attorney General
Civil Rights Division

cc: Russell Coleman
Attorney General of Kentucky

Eric Friedlander
Secretary, Kentucky Cabinet for Health and Family Services

Katherine Marks
Commissioner, Kentucky Department for Behavioral Health, Developmental and
Intellectual Disabilities

Lisa D. Lee
Commissioner, Kentucky Department of Medicaid Services

Michael A. Bennett
United States Attorney, Western District of Kentucky