

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

JUL 30 1998

NANCY MAYER-WHITTINGTON, CLERK
U.S. DISTRICT COURT

OSCAR SALAZAR, et al.,)
on behalf of themselves)
and all others similarly)
situated,)
)
Plaintiffs,)
)
v.)
)
THE DISTRICT OF COLUMBIA,)
et al.,)
)
Defendants.)

Civil Action No. 93-452 (GK)

ORDER PARTIALLY MODIFYING THE REIMBURSEMENT
PROCEDURES OF THE AMENDED REMEDIAL ORDER OF MAY 6,
1997 AND THE REIMBURSEMENT PROCEDURES
ORDER OF SEPTEMBER 15, 1997

On consideration of Plaintiffs' ^{unopposed} Motion for Entry of an Order Partially Modifying the Reimbursement Procedures of the Amended Remedial Order of May 6, 1997, and the Reimbursement Procedures Order of September 15, 1997, and the opposition thereto, it is this 29th day of July, 1998,

ORDERED, nunc pro tunc, that the following procedures shall apply to all current and future Medicaid recipients and all those who were Medicaid recipients or were eligible for Medicaid at any time since March 2, 1990. The Amended Remedial Order of May 6, 1997, and the Reimbursement Procedures Order of September 15, 1997, remain in full force and effect except to the extent those orders are modified herein:

1. In an Order dated September 15, 1997, after considering the Monitor's report and the positions of the parties, the Court issued a Reimbursement Procedures Order setting forth the

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procedures for reimbursing Medicaid recipients for out-of-pocket expenses incurred since March 2, 1990.

2. The deadline set forth in the Order of September 15, 1997, for submission of claims dating back to March 2, 1990, is extended from June 30, 1998, to a date at least nineteen (19) months after Defendants begin using the notices required by paragraph 3 below.

3. Defendants shall submit a Praecipe to the Court when they know the date on which they will obtain new versions of the pre-printed notification letters to applicants and recipients and pre-printed recertification forms, containing notice of the reimbursement procedures. Defendants shall show the notice to Plaintiffs' counsel prior to it being finalized and shall consider in good faith any comments of Plaintiffs' counsel.

4. Beginning no later than the date Defendants obtain new versions of the pre-printed notification letters to applicants and recipients and pre-printed recertification forms, and in any event no later than January 1, 1999, Defendants shall inform (a) all Medicaid applicants in a document provided at the time the application is made (including those who mail in applications or submit them at a location other than a Department of Human Services service center) and in all notices of eligibility or accompanying written materials; and (b) recipients in the recertification form (or a contemporaneously mailed document) and in all notices as to eligibility or accompanying written materials of: the procedures set forth in the Order of September 15, 1997, and the deadline in

paragraph 2 above for obtaining reimbursement of out-of-pocket medical expenses that should have been paid by Medicaid. The notice to applicants and recipients shall include a conspicuous statement that the applicant or recipient may obtain free legal assistance in obtaining reimbursement by contacting Plaintiffs' counsel, and shall include the name, address and telephone number of such counsel. The reasonable time and expenses of Plaintiffs' counsel shall be deemed compensable monitoring of the Order under 42 U.S.C. § 1988.


5. Beginning no later than August 1, 1998, and at least annually thereafter, Defendants shall inform providers of the procedures set forth in the Order of September 15, 1997, and the deadline in paragraph 2 above for obtaining reimbursement of out-of-pocket medical expenses that should have been paid by Medicaid.

6. At the conclusion of the time periods set forth in paragraph 2 above, Defendants shall continue to inform Medicaid applicants, recipients, and providers of the District of Columbia procedures for them to obtain reimbursement of out-of-pocket medical expenses that should have been paid by Medicaid in the following manner. All such notices shall exclude the deadline for submission of claims dating back to March 2, 1990, and shall state that claims must be submitted within six (6) months of being incurred. All Medicaid applicants shall be given notice in a document provided at the time the application is made (including those who mail in applications or submit them at a location other than a Department of Human Services service center) and in all

notices of eligibility or accompanying written materials. All Medicaid recipients shall be given notice in the recertification form (or a contemporaneously mailed document) and in all notices as to eligibility or accompanying written materials. All Medicaid providers shall be given notice at least annually. The notice to applicants and recipients shall include a conspicuous statement of the address and telephone number of the Office of Fair Hearings and shall state that the applicant or recipient may obtain free legal assistance in obtaining reimbursement by contacting Plaintiffs' counsel, and shall include the name, address and telephone number of such counsel. The reasonable time and expenses of Plaintiffs' counsel shall be deemed compensable monitoring of the Order under 42 U.S.C. § 1988. Defendants shall show the notice to Plaintiffs' counsel prior to its being finalized and shall consider in good faith any comments of Plaintiffs' counsel.

7. No later than forty-five (45) days prior to Defendants obtaining new versions of the pre-printed notification letters to applicants and recipients and of the pre-printed recertification forms, and in any event no later than November 15, 1998, Defendants shall inform plaintiffs of the date the new forms will go into use and the parties shall file a joint motion to amend paragraphs 2-5 above to state the appropriate dates. In the absence of an agreement, each party may make its own submission.

IT IS SO ORDERED.


GLADYS KESSLER
United States District Judge

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