

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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)

**FILED**

OCT 18 2000

NANCY MAYER WHITTINGTON, CLERK  
U.S. DISTRICT COURT

ORDER MAKING TECHNICAL AMENDMENTS TO CERTAIN  
PROVISIONS IN THE JANUARY 25, 1999  
ORDER MODIFYING THE AMENDED REMEDIAL ORDER OF MAY 6, 1997  
AND VACATING THE ORDER OF MARCH 27, 1997

On January 25, 1999, the Court entered an Order Modifying the Amended Remedial Order of May 6, 1997 and Vacating the Order of March 27, 1997 ("Settlement Order"). Since that date, the parties have agreed to technical amendments to certain provisions of the Settlement Order concerning the requirements for corrective action plans from managed care organizations (MCO's) and the preparation of reports by defendants under paragraph 48.

Therefore, the parties agree to the following technical amendments. All paragraphs of the Settlement Order not specifically amended herein shall remain in full force and effect.

IT IS, this 17<sup>th</sup> day of October, 2000, ORDERED,  
ADJUDGED AND DECREED AS FOLLOWS:

The following technical amendments relate to Section V of the Settlement Order:


EPSDT Services (Claim 6):

1. A new paragraph 46A shall be added:

46A. Defendants shall direct the MCO's to prepare any corrective action plan required pursuant to terms of this Order no later than April 1 of the year following the fiscal year completed on September 30 in which the MCO's performance gives rise to the requirement to prepare a corrective action plan. Defendants shall direct the MCO's to submit a corrective action plan required pursuant to terms of this Order no later than 30 days following the date that Defendants inform the MCO that a corrective action plan is required, *i.e.*, by May 1.

2. Subparagraph (b) of paragraph 48 is replaced by the following revised subparagraph 48(b):

48(b). Defendants shall calculate the participant ratio for fiscal year 1998, which shall become the base year. If, in any subsequent year, the percentage ratio for that year set forth in subparagraph (a) above is not met and the ratio is also less than the 1998 base year ratio plus 5% for each subsequent year (but not more than 80%) (e.g., for 2000, the figure is the 1998 participant ratio, plus 10%), Defendants shall by June 15 of the following year, provide a detailed explanation to Plaintiffs of (i) the actions taken by the MCO's in 1998 and subsequent years through the year in issue to meet the relevant participant ratio in paragraphs 43(a) and (b) and 45(b), and (ii) whether it would be reasonable and effective to direct Defendants to require the MCO's to take further actions that are consistent with the MCO contracts.

  
GLADYS KESSLER  
UNITED STATES DISTRICT JUDGE

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