

UNITED STATES DISTRICT COURT  
DISTRICT OF COLUMBIA

OSCAR SALAZAR JR. et al., on :  
behalf of themselves and all :  
others similarly situated, :

Plaintiffs, :

v. :

DISTRICT OF COLUMBIA, et al., :

Defendants. :

Civil Action No.  
93-452 (GK)

**FILED**

FEB 28 2003

NANCY MAVER WATKINSON, CLERK  
U.S. DISTRICT COURT

ORDER

Upon consideration of Plaintiffs' Motion to Enforce the Settlement Order of January 25, 1999, Concerning Lead Blood Screening and Dental Services, the Opposition thereto, the Reply, and the entire record herein, it is this 28th day of February, 2003,

**ORDERED** that, as remedies for Defendants' violations of the Settlement Order,

1. By May 1, 2003, and at least annually thereafter, Defendants shall issue a Transmittal to all managed care organizations (MCOs), and directly to all physicians, nurse practitioners and other medical professionals providing EPSDT Medicaid services to District of Columbia children (hereafter "Pediatric Health Care Providers"), which sets forth the requirements of 42 U.S.C. § 1396d(r)(1)(B)(iv) and the CMS State Medicaid Manual, Section 5123.2D, namely, that all Medicaid-

SPINDLE # 67

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eligible children receive lead blood screening at ages 12 months (1 year of age) and 24 months (2 years of age), and unless it can be documented while the child is in the office of the medical professional, that he or she has earlier been screened for lead poisoning, that all children between the ages of 36 months (3 years) and 72 months (6 years) of age shall also receive a lead blood screening.

2. By May 1, 2003, and annually thereafter, Defendants shall require each managed care organization to develop a corrective action plan, with specific, detailed goals and timetables, which shall, by no later than September 30, 2003, set forth a plan to (a) ensure that all Medicaid-eligible children receive lead blood screening at ages 12 months (1 year of age) and 24 months (2 years of age), and, unless it can be documented while the child is in the office of the medical professional that he or she has earlier been screened for lead poisoning, that all children between the ages of 36 months (3 years) and 72 months (6 years) of age shall also receive a lead blood screening; and (b) to the end the disparity between the numbers of children in the 1-2 year age interval who were reported to have received a full and complete EPSDT screening by the MCO, and yet, in violation of 42 U.S.C. § 1396d(r)(1)(B)(iv) and the CMS State Medicaid Manual, Section 5123.2D and 2700.4, did not receive a lead blood screening. The corrective action plans shall be provided to Plaintiffs' counsel within 10 days of being

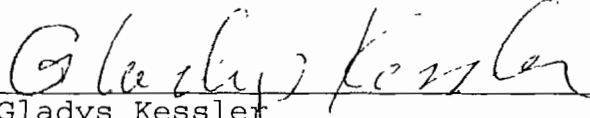
submitted to Defendants, and Defendants shall consider in good faith any comments of Plaintiffs' counsel concerning the corrective action plans. A corrective action plan shall similarly be required for future years within 30 days of the submission of the CMS Form 416, unless, with respect to sub-section 2(a), the Form 416 data for the year shows that an MCO has given a lead blood screening to all children in the 1-2 year age interval; or with respect to sub-section 2(b), that there is no disparity between the number of children in the 1-2 year age interval who were reported to have received a full and complete EPSDT screening by the MCO and the number of children in the 1-2 year interval who received a lead blood screening.

3. By May 15, 2003, Court Monitor Henry T. Ireys, Ph.D., shall prepare and submit a report evaluating the effectiveness of the methods used by the District of Columbia and by each of the managed care organizations (MSOs) for informing Medicaid recipients about EPSDT dental services. Said report shall describe what methods are now being employed, as well as present recommendations for improving the methods being used.

4. By April 15, 2003, Defendants shall mail to all households in the District of Columbia, which have one or more children eligible for EPSDT, a written notice describing the EPSDT dental benefit. The notice shall include, but is not limited to, all of the information required in paragraph 58(a)-(e) of the

Settlement Order concerning the dental benefit. The notice shall include a telephone number for recipients to call with questions and for assistance in scheduling dental appointments. The notice shall be translated into Spanish and will be sent in Spanish to Spanish-speaking Medicaid households.

SO ORDERED.<sup>1</sup>

  
Gladys Kessler  
United States District Judge

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<sup>1</sup> Upon completion of Dr. Ireys' report, the Court will consider imposition of other remedies contained in Plaintiffs' proposed Order.

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