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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

KATIE A., et al.,

Plaintiffs,

v.

DIANA BONTÁ, et al.,

Defendants.

Case No.: CV-02-05662-AHM (SHx)

**PLAINTIFFS' RESPONSE TO
SPECIAL NOVEMBER 29, 2012
MASTER REPORT**

Judge: Honorable A. Howard Matz
Courtroom: 14

1 Plaintiffs file the following brief response to the Special Master’s Report on
2 Progress Toward Completion of the Katie A. Implementation Plan (Docket No.
3 828), filed on November 29, 2012:

4 In his Progress Report on Phase One Implementation, regarding the
5 developments and dissemination of the Medi-Cal Documentation Manual on
6 Intensive Care Coordination (ICC) and Intensive Home Based Services (IHBS), as
7 required by Paragraph 20(a) and (b) of the Settlement Agreement, the Special
8 Master states:

9 “The [State] Update provides an excellent summary of the positive
10 response received during the public comment. After reviewing
11 with both parties the extensive, critical and constructive public
12 comment on the Medi-Cal Documentation manual, additional time
13 will be required to finalize and distribute the manual. It is expected
14 that the ACL and other activities by DHCS informing providers
15 and counties will continue to occur in preparation for the
16 distribution of the Medi-Cal Documentation manual. An
17 unintended, but positive outcome of the proposed delay is that the
18 Core Practice Model Guide (CPM Guide) and the Medi-Cal
19 Documentation Manual could be released statewide to provide
20 holistic guidance to the field.”

21 Special Master Report at 7:13-22. Further, in the accompanying State
22 Progress Report on Katie A. Phase One Implementation Plan (Exhibit 1 to Special
23 Master Report), the State indicated that “90% of the comments were submitted on
24 the final two days of the public comment period and included the most critical,
25 complex and specific analysis from the counties, providers and advocacy
26 organizations.” Docket No. 828-1 at 4. The State goes on to say that “[t]wo
27 overarching themes were apparent from the public comment: recommendations
28 that the Documentation Manual requires significant revision to add clarity and

1 supplemental examples, and that the CPM Guide and Documentation Manual be
2 released simultaneously to provide holistic guidance to the field.” Id.

3 Plaintiffs submitted extensive written comments and detailed line edits to the
4 Documentation Manual during the comment period, in addition to raising similar
5 concerns and submitting detailed edits to earlier drafts of the manual. Plaintiffs
6 concur with the State’s summary of the comments by providers, counties and
7 advocates, as indicating that significant revisions to the Documentation Manual are
8 necessary to provide clarity and examples. Plaintiffs also agree with the Special
9 Master’s summary that there was “extensive, critical and constructive public
10 comment.”

11 The Documentation Manual, as currently drafted, does not provide sufficient
12 detail nor does it accurately inform and instruct providers on how to provide ICC
13 and IHBS to subclass members. The draft manual also does not describe how
14 these services should be provided in a manner consistent with the CPM Principles
15 and Components, as required by Paragraph 20(a) & (b) of the Settlement
16 Agreement. Finally, Plaintiffs are concerned that the Documentation Manual is
17 often confusing, and does not clearly state that all of the components and activities
18 listed in the definitions of ICC and IHBS in the Settlement Agreement are covered
19 by Medi-Cal.

20 Based on the above stated concerns and public comments, including those
21 from the Los Angeles Advisory Panel, Plaintiffs have concluded that significant
22 changes must be made to the Documentation Manual, requiring a delay in the
23 previously scheduled release date, as well as the implementation of a revised
24 process to accomplish the task. As a consequence, Plaintiffs have already agreed
25 to a smaller Documentation Manual revision drafting team that includes the
26 Special Master and the Medicaid consultants retained by the Special Master,
27 among others. The revision drafting team will need to participate in regular
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1 meetings to revise and finalize the Documentation Manual for release per the
2 Special Master's extension request.

3 Based on the revised release date for the Documentation Manual, Plaintiffs
4 would not object to the Court issuing an order delaying to no later than March 1,
5 2013, the date in Phase Two of the Implementation Plan by which ICC and IHBS
6 will be made available to subclass members.

7 The Implementation Plan, Phase 2, is now much more developed and
8 provides more detailed commitments about what the state will undertake to meet
9 its obligations under the Settlement Agreement. The Special Master notes that the
10 Accountability, Communication and Outcome (ACO) Taskforce will not be
11 convened until after the December 13, 2013 hearing and so recommends that he
12 file a supplemental report on the progress of the ACO Taskforce by March 1, 2013.
13 Special Master Report at 30:15-23. It may be appropriate for this supplemental
14 report from the Special Master to evaluate the progress on other aspects of the
15 Implementation Plan by March 1 of next year as well.
16 Plaintiffs are prepared to answer any additional questions at the December 13,
17 2012 court hearing.

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19 Dated: December 6, 2012

20 Respectfully submitted:

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By: /s/
Kimberly Lewis
Attorneys for Plaintiffs