

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

<b>Case No.</b>	CV02-05662-AHM (SHx)	<b>Date</b>	March 13, 2013
<b>Title</b>	KATIE A., et al. v. DIANA BONTA, et al.		

<b>Present: The Honorable</b>	A. HOWARD MATZ, U.S. DISTRICT JUDGE		
Stephen Montes	C. Nirenberg		
Deputy Clerk	Court Reporter / Recorder	Tape No.	
<b>Attorneys Present for Plaintiffs:</b>		<b>Attorneys Present for Defendants:</b>	
Robert D. Newman Kimberly Lewis Patrick Gardiner		Ernest Martinez, DAG Carmen D. Snuggs, DAG	
<b>Proceedings:</b>	STATUS CONFERENCE re: Settlement Agreement with the State Defendants (non-evidentiary)		

Cause called; appearances made. Also present is Richard Saletta, Special Master. In addition, the following various state or county agency representatives are present: 1. Gregory Rose, California Department of Social Services (CDSS); 2. Francine Bremer, CDSS (via telephone); 3. Susan Diedrich, CDSS; 4. John Krause, California Department of Healthcare Services (CDHCS); 5. Rita McCabe, CDHCS (via telephone); 6. Julie Inderkum, Department of Health Care Services (CDHCS) (via telephone); 7. Dina Kokkos-Gonzales (CDHCS); 8. Cheryl Treadwell (CDSS) (via telephone); 9. Kathleen Carter Nishimura (CDHCS) (via telephone); 10. Heather Garvin (CDSS) (via telephone); 11. Jessica Ho (CDSS) (via telephone); 12. Greg Lecklitner, Los Angeles County Department of Mental Health; and 13. Laura D. Quinonez, County Counsel.

Court and counsel confer about the Settlement Agreement with the State Defendants. For reasons stated on the record, the Court makes the following findings and observations:

1. The Implementation Plan activities, Section VI, Data and Quality Assurance (ACO Task Force), Phase Two, are reasonably and sufficiently calculated to meet the terms and objectives set forth in Paragraphs 19 and 20 of the Settlement Agreement. The Court approves Section VI of the Katie A. Implementation Plan, Phase Two.

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2. The Court approves and adopts the Proposed Modification of Implementation Plan Timelines, Exhibit 1 to this Order. The Court notes the “ongoing reservation” that Plaintiffs filed and Defendants’ in-court response to it.

3. The Court directs the Special Master to re-cast and charter the Negotiation Workgroup by April 19, 2013, to support and provide further direction and guidance, as necessary, to the State in its implementation of the Katie A. Agreement and Plan.

4. The Court agrees to issue letters of commendation for the extraordinary services Steve Korosec and David Gray provided to the Special Master, the Court and the Negotiation Workgroup on behalf of California’s most vulnerable children and families. The Special Master shall provide their contact information to the Court, promptly.

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Initials of Preparer SMO  
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**Exhibit 1**

March 1, 2013

**Proposed Modification of Implementation Plan Timelines**

**Approved December 13, 2012**

(Limited Summary of Milestones from Implementation Plan)

*Service Delivery and Rollout, DSS/DHCS Continuous and Ongoing:*

DHCS and DSS are committed to continuously:

- Identify state supportive activities, resources, sanctions and guidance to increase access to ICC, IHBS and TFC;
- Developing an ongoing stakeholder problem solving process focused on expanding service capacity at the county level;
- Establish priorities, population-specific strategies, training for increasing access to services over time;
- Setting annual or bi-annual performance goals or targets based on local conditions or circumstances;
- Borrow/share resources from other successful efforts to adopt CPM;
- Seek out federal and private resources to support this effort;
- Explore ways to develop and support centers of excellence for developing and sustaining CPM systems and core elements.

(Court Document 828-1, p. 24) (Katie A. Implementation Plan, Phase Two p.16,17)

*Training and Technical Assistance, DSS/DHCS Continuous and Ongoing:*

- Assessing and evaluate coaching and mentoring needs and developing a plan to assist the counties in meeting these need;
- Develop policy guidance on the interrelationship between ICC, IHBS, TFC and the CPM;
- Continue to issue communications to describe and provide guidance regarding the expectations for and benefits of delivering service consistent with CPM;
- Target specific audiences for training based on need;
- Leverage additional resources and the State Regional Training Academies to support integrated training for child welfare and mental health staffs.

(Court Document 828-1, p. 27,28) (Katie A. Implementation Plan, Phase Two p.19,20)

**Shared Management Structure**

Joint Management and Core Practice Model Fiscal Task Force, **By January 15, 2013: MET**

-Joint Management (JMT) and Core Practice Model Fiscal (CPM) Task Force Work Plans Developed.

(Court Document 828-1, p. 12) (Katie A. Implementation Plan, Phase Two, p.4)

JMT, ACO and CPM Fiscal Task Force Recommendations Acted on by (DHCS) and (DSS), **By ~~October 1, 2013:~~ November 1, 2013**-(all Taskforce recommendations/plans/reports submitted)

-90 days after receiving recommendations from CPM, ACO and JMT Task Forces, the Departments will act on recommendations to establish a Shared Management Structure.

(Court Document 828-1, p.12) (Katie A. Implementation Plan, Phase Two, p.5)

### **Core Components**

#### Core Practice Model Guide and Adoption, *By March 1, 2013\**

DHCS/DSS will:

- Issue (ACL)/(ACIN) -Purpose, goals and timeline for implementation and describes IHBS and ICC services within CPM approach for statewide implementation; **By March 31, 2013 to coordinate with other CPM (ACL)/(ACIN) issue.**
- Release the final CPM Guide for Implementation;
- Release a schedule for basic training;
- Develop basic orientation and adoption strategies to promote understanding by stakeholders. (Court Document 819-1, p. 7)\*Date modified from January 31, 2013, to March 2013, per Court Order dated December 20, 2013. Court Document (Katie A. Implementation Plan, Phase One, p.,9)

#### Medi-Cal Documentation Manual, *By March 1, 2013\**

DHCS/DSS will:

- Issue (ACL)/(ACIN) -Purpose, goals, and describes IHBS and ICC services within CPM approach or statewide implementation ;
  - Release the Medi-Cal Documentation Manual for Implementation;
  - Release a schedule for basic training; **By March 31, 2013 consistent/aligned with CPM**
  - Develop basic orientation and adoption strategies to promote understanding by stakeholders. (Court Document 819-1, p. 6,7)
- \*Date modified from December 31, 2012 to March 1, 2013 per Court Order dated December 20, 2012. (Katie A. Implementation Plan Phase One, p 4,5)

#### Core Practice Model Guide and Adoption, *By January 31, 2013: -March 31, 2013*

- DHCS and CDSS will have released a schedule for basic orientation and training of the CPM Guide;
- CDSS will contract to provide the initial training and will also be prepared to provide technical assistance to answer questions by counties, providers and stakeholders regarding the CPM Guide;
- Develop basic orientation and adoption strategies for the CPM guide in order to promote understanding by stakeholders (State partners, Administrative Office of the Courts (AOC), counties and providers, beneficiaries and family members) about the practice model for serving children in the Katie A. class and adoption of the CPM by counties and child welfare and mental health provider agencies;
- Issue an ACL/ACIN to describe IHBS and ICC services within a CPM approach. (Court Document 828-1, p. 15,16) (Katie A. Implementation Plan, Phase Two,p.7, 8) -

#### Core Practice Mode Guide and Adoption, *By September 30, 2013:*

- CPM Fiscal Taskforce Submit a strategic plan or proposal to DSS/DHCS and Plaintiffs to finance the implementation of the CPM. (Court Document 828-1, p. 16) (Katie A. Implementation Plan, Phase Two, p.8)

Core Practice Model Guide and Adoption, **By December 31, 2013:**

-TFC (once determined to be a Medi-Cal Service) addressed in the CPM Guide.  
(Court Document 828-1, p. 16) (Katie A. Implementation Plan, Phase Two, p.9)

**Therapeutic Foster Care**

Therapeutic Foster Care (TFC) Model and Coverage, **By ~~January 31, 2013:~~ May 1, 2013**

DHCS and DSS determine if any state law changes are necessary, if so, propose spot legislation by February 22, 2013. (p.9)

(Court Document 828-1, p. 47) (Katie A. Implementation Plan, Phase Two, p.9)

Therapeutic Foster Care (TFC) Model and Coverage, **Continuing Through January 2013**

Continuing through January 2013, the TFC Consultants will meet with DHCS, CDSS, the Special Master and plaintiffs' counsel, to provide research and information on other state models and provide a recommended model for California. (p.9)

(Court Document 828-1, p. 17) (Katie A. Implementation Plan, Phase Two, p.9)

Therapeutic Foster Care (TFC) Model and Coverage, **By ~~February 28, 2013:~~ April 26, 2013:**

-DHCS, DSS and plaintiffs' counsel provide the model to TFC subgroup for review;  
- model.(p.9)

(Court Document 828-1, p. 47) (Katie A. Implementation Plan, Phase Two, p.9)

Therapeutic Foster Care (TFC) Model and Coverage, **By ~~February 28, 2013:~~ April 26, 2013:**

DHCS and CDSS shall reconvene the TFC Subgroup and the consultants to discuss the model. Continuing through May 2013, CDSS, and DHCS and plaintiffs' counsel will meet and continue to work with the consultants and the TFC Subgroup to modify and adopt a proposed TFC model to implement in California.

(Court Document 828-1, p. 17) (Katie A. Implementation Plan, Phase Two, p.9)

Therapeutic Foster Care Model and Coverage, **By June 30, 2013:**

Identify components of TFC services/model that are Medi-Cal reimbursable and any components covered by Title IV-E;

-Identify costs of the TFC programs for which Title IV-E funds may be claimed;  
-Determine all steps necessary to implement, including any necessary federal approvals.

(Court Document 828-1, p. 17) (Katie A. Implementation Plan, Phase Two, p.9,10)

Therapeutic Foster Care Model and Coverage, **By July 31, 2013**

-Submit any initial request for federal approvals necessary, which may include a submission of a SPA. (p.10)

(Court Document 828-1, p. 17) (Katie A. Implementation Plan, Phase Two, p.10)

Therapeutic Foster Care Model and Coverage, **By September 30, 2013**

-Provide first draft of the TFC Addendum to the Documentation Manual to the subgroup and Negotiation Workgroup and review and consider incorporating input and feedback. (p.10)  
(Court Document 828-1, p. 17) (Katie A. Implementation Plan, Phase Two, p.10)

Therapeutic Foster Care Model and Coverage, Upon securing any necessary federal approvals, and with a target date **by November 30, 2013.**

-Provide the final draft of the TFC update or addendum of the Documentation Manual and the CPM Guide to the TFC Subgroup and review and consider incorporating feedback received.  
(Court Document 828-1, p. 17) (Katie A. Implementation Plan, Phase Two, p.10)

Therapeutic Foster Care Model and Coverage, Upon securing any necessary federal approvals, and with a target date **by December 31, 2013.**

-Provide final draft to the Negotiation Workgroup for review and consider incorporating feedback received.  
(Court Document 828-1, p. 17) (Katie A. Implementation Plan, Phase Two, p.10)

Therapeutic Foster Care Model and Coverage, Upon securing any necessary federal approvals, and with a target date **by December 31, 2013.**

-Add final TFC services/model and billing rules to the Documentation Manual. Issue an ACL providing the TFC portion of the Documentation Manual and any other instructions necessary to counties to begin claiming TFC services under Medi-Cal and to begin claiming Title IV-E Federal Financial Participation to pay for allowable costs for foster youth in TFC facilities.  
(p.10)  
(Court Document 828-1, p.18) (Katie A. Implementation Plan, Phase Two, p.10)

Therapeutic Foster Care Model and Coverage, Upon securing any necessary federal approvals, and with a target date **by January 1, 2014**

-Contingent upon the outcome of activities with target dates of November 30, 2013, and December 31, above, TFC services will be made available statewide on January 1, 2014.  
(Court Document 828-1, p. 18) (Katie A. Implementation Plan, Phase Two, p.10)

**Family and Youth Involvement**

Family and Youth Involvement, ~~By January 31, 2013:~~ **March 15, 2013:**

DSS/DHCS will:

Outreach, recruit and actively engage youth participation in implementation process;  
-Draft a joint All County Letter (ACL)/All County Information Notice (ACIN) to encourage and support specific strategies for involving family and youth in implementation process.  
(Court Document 828-1, p. 19,20) (Katie A. Implementation Plan, Phase Two, p.12,13)

**Service Delivery and Rollout**

Service Delivery and Rollout, By ~~January 31, 2013~~: March 31, 2013

-DHCS and DSS issue and ACL/ACIN to inform counties of the criteria and selection process for designating Learning Collaborative Counties.

(Court Document 828-1, p.21) (Katie A. Implementation Plan, Phase Two, p.14)

Service Delivery and Rollout, By ~~March 1, 2013~~: March 15, 2013:

(Due back to State by May 15, 2013)

-County Mental Health Plans( MHP's) and Child Welfare agencies will have lead responsibility for jointly completing:

-A Readiness Assessment Tool;

-Service Delivery Plan.

(Court Document 828-1, p.22,23) (Katie A. Implementation Plan, Phase Two, p.14,15)

Service Delivery and Roll Out, By ~~April 30, 2013~~: June 30, 2013:

Select Learning Collaborative Counties.

(Court Document 828-1, p. 23) (Katie A. Implementation Plan, Phase Two, p.16)

Service Delivery and Rollout, By ~~June 1, 2013~~: August 1, 2013:

DHCS and DSS will:

Complete a statewide analysis of the information provided by county Readiness Assessment and Implementation Plan;

-Develop and model child welfare and mental health service delivery systems;

-Identify opportunities for and challenges to providing full access to services for subclass and statewide application of the CPM;

-Provide an initial framework for engagement, collaboration and problem-solving with counties and stakeholders.

(Court Document 828-1, p.23) (Katie A. Implementation Plan, Phase Two, p.16)

Service Delivery and Rollout, By ~~June 30, 2013~~: August 1, 2013:

-Learning Collaborative County Implementation Teams participate in a learning collaborative process implementing the CPM.

(Court Document 828-1, p. 24) (Katie A. Implementation Plan, Phase Two, p.16)

Service Delivery and Rollout, By ~~August 1, 2013~~: October 1, 2013

-Beginning -Semi Annual Progress Reports;

-MHPs and County Welfare agencies jointly prepare and submit implementation progress reports.

(Court Document 828-1, p. 23) (Katie A. Implementation Plan, Phase Two, p.15)

**Training and Technical Assistance**

Training and Technical Assistance, ~~by January 16, 2013~~: March 31, 2013:

-Documentation Manual training materials will be drafted;  
-DHCS and DSS host weekly Technical assistance calls on Documentation Manual and CPM Guide. *Orientation materials completed by March 31, 2013.*

*Calls start on March 13, 2013*

(Court Document 828-1, p.26) (Katie A. Implementation Plan, Phase Two, p.18)

Training and Technical Assistance, ~~By February 1, 2013~~: April 1, 2013:

DHCS will establish a webpage for Documentation Manual frequently asked questions.

(Court Document 828-1, p.26) (Katie A. Implementation Plan, Phase Two, p.18)

Training and Technical Assistance, ~~By February 28, 2013~~: April 28, 2013:

CDSS will contract to facilitate the identification of locations for four regional trainings (Los Angeles, Bay, Sacramento and Redding).

(Court Document 828-1, p.26) (Katie A. Implementation Plan, Phase Two, p.18)

Training and Technical Assistance, ~~By March 31, 2013~~: May 31, 2013:

DHCS schedule two train-the-trainers sessions.

(Court Document 828-1, p.26) (Katie A. Implementation Plan, Phase Two, p.18)

Training and Technical Assistance, ~~By April 1, 2013~~:

-Statewide Training and Education Committee's Multi-Disciplinary Training (MDT) subgroup will assemble and begin the process of developing curricula, educational materials and peer support training;

-MDT review CPM guide and determine if existing training curricula and coaching materials can be enhanced or if new curricula and coaching materials need to be developed;

(Court Document 828-1, p.26) (Katie A. Implementation Plan, Phase Two, p.19)

Training and Technical Assistance, ~~By April 28, 2013~~:

-DSS will contract to facilitate locations for four regional trainings on CPM and Documentation Manual.(p.18)

(Court Document 828-1, p.27) (Katie A. Implementation Plan, Phase Two, p.19)

Training and Technical Assistance, ~~By May 1, 2013~~ June 1, 2013:

-MDT will finalize the training curricula, coaching and educational materials and the implementation toolkit and schedule the four Regional Training for Trainers.(p.19)

Court Document 828-1, p.27) (Katie A. Implementation Plan, Phase Two, p.19)

Training and Technical Assistance, ~~By December 31, 2013~~:

-DHCS host two Promising Practices Webinars highlighting MHPs and County Child Welfare organizations that are demonstrating strong implementation of ICC, IHBS and

(Court Document 828-1, p.26) (Katie A. Implementation Plan, Phase Two, p.19)



Training and Technical Assistance, **By June 30, 2013:**

-County Implementation Teams will be required to participate as part of a learning collaborative for implementing the CPM.

(Court Document 828-1, p.26) (Katie A. Implementation Plan, Phase Two, p.19)

**Data and Quality Assurance**

Data and Quality Assurance, ~~By January 1, 2013:~~ **January 31, 2013: Met January 1, 2013**

-DHCS will implement new procedure codes in the SD/MC II system for ICC and IHBS.

(Court Document 828-1, p.29) (Katie A. Implementation Plan, Phase Two, p.22)

Data and Quality Assurance, ~~By January 31, 2013:~~ **March 21, 2013:**

-DHCS and DSS will establish and convene an Accountability, Communication and Outcome (ACO) Mapping Group to inventory and report on current array of ongoing state and county data efforts.

(Court Document 828-1, p.29) (Katie A. Implementation Plan, Phase Two, p.22)

Data and Quality Assurance, ~~By February 28, 2013:~~ **June 1, 2013:**

ACO Taskforce will begin convening monthly meetings. (P.22)

(ACO Taskforce responsibilities will be formally assumed by JMT, see Special Master's Report, dated February 28, 2013)

(Court Document 828-1, p.29) (Katie A. Implementation Plan, Phase Two, p.22)

Data and Quality Assurance, ~~By April 1, 2013:~~ **September 30, 2013**

-DHCS and DSS will analyze and evaluate utilization data and timely access to care.

(Court Document 828-1, p.29) (Katie A. Implementation Plan, Phase Two, p.22)

Data and Quality Assurance, ~~By April 30, 2013:~~ **July 15, 2013:**

-Accountability, Communication and Outcome (ACO) Taskforce will convene and facilitate a stakeholder meeting to solicit ideas about what data concerning the class DHCS and DSS should routinely produce and post.

(Court Document 828-1, p.29) (Katie A. Implementation Plan, Phase Two, p.22)

Data and Quality Assurance, ~~By June 30, 2013:~~ **October 31, 2013**

-DHCS and DSS will share publicly with stakeholders the results from its data analysis and evaluations regarding utilization and access to services.(p.22)

(Court Document 828-1, p30) (Katie A. Implementation Plan, Phase Two, p.22)

Data and Quality Assurance, ~~By September 1, 2013:~~ October 31, 2013

ACO Taskforce will produce a report for DHCS and DSS with recommended actions and timelines related to identifying, devising and collecting:

- Qualitative and Quantitative information;
- Class and Subclass information;
- A plan to measure the engagement of Youth and families;
- Consider existing federal/state processes -External Quality Review Organization, and California Child and Family Services Reviews requirements in developing a plan;
- Also consider utilization of a nationally recognized fidelity tool to measure the adoption of the CPM.

(Court Document 828-1, p.30) (Katie A. Implementation Plan, Phase Two, p.22,23)

Court Jurisdiction Ends, December 1, 2014