

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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| OSCAR SALAZAR, <i>et al.</i> , |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | C.A. No. 93-452 (GK) |
| |) | |
| DISTRICT OF COLUMBIA, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

SECOND CONSENT ORDER REGARDING EPSDT NOTICE AND OUTREACH

WHEREAS, the parties have conferred regarding improvements to the quarterly reporting on the performance of the managed care organizations (MCOs) in the provision of notice and outreach regarding Early and Periodic, Screening, Diagnostic, and Treatment services (EPSDT) to the plaintiff class and agreed to modifications to paragraph 39 of the Order Modifying the Amended Remedial Order of May 6, 1997 and Vacating the Order of March 27, 1997 (Settlement Order), January 25, 1999 (ECF No. 663), and the Consent Order Concerning EPSDT Notice and Outreach dated April 27, 2009 (ECF No. 1473);

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Paragraphs 39A, 39B, and 39D of the Consent Order Concerning EPSDT Notice and Outreach dated April 27, 2009 (ECF No. 1473), which modified Paragraph 39 of the Settlement Order (ECF No. 663), are deleted and replaced with the following:


39A. Notice to Each Child prior to the Due Date of EPSDT Screening Visit Appointments for Children under Age 3 Years. For children from birth to age 3, defendants shall ensure that the MCOs provide two pre-due date notices each year of upcoming EPSDT screening visits for which the child is due (*i.e.*, a total of six notices from birth to age 36 months). Such notice may be in the form of a telephone call or mailed reminder.

39B. Notice to Each Child prior to the Due Date of EPSDT Screening Visit Appointments for Children from Ages 3 to 21 Years. For children from age 3 to 21 years, defendants shall ensure that the MCOs provide one pre-due date notice of the upcoming EPSDT screening visit for which the child is due each year (*i.e.*, one annual notice for children aged 3 to 21 years). Such notice may be in the form of a telephone call or mailed reminder.

39D. Reporting Regarding Compliance with Paragraphs 39A-39C. Defendants shall provide reports to the Court, the Monitor, and Plaintiffs as to the provision of EPSDT notice and outreach using the template attached as Exhibit A on a quarterly basis. The reports shall provide data on each measure identified in Exhibit A, as described in the instructions attached as Exhibits B and C, for the quarter and for the calendar year to date. The templates and instructions may be modified without Court approval so long as the parties consent to all modifications and file a Notice with the Court that includes the modified version of the template and/or instructions. Reports shall be due one hundred and twenty (120) days after the conclusion of each calendar quarter.

2. All provisions of paragraph 39 of the Settlement Order (ECF No. 663) and of the Consent Order Concerning EPSDT Notice and Outreach (ECF No. 1473), except as specifically modified herein, remain in full force and effect.

IT IS SO ORDERED THIS 27th DAY OF February, 2017.



GLADYS KESSLER
UNITED STATES DISTRICT JUDGE