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9 UNITED STATES DISTRICT COURT  
 10 CENTRAL DISTRICT OF CALIFORNIA,  
 11 WESTERN DIVISION  
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13  
 14 **KATIE A., et al.,**

15 Plaintiffs,

16 v.

17 **TOBY DOUGLAS**, Director of the  
 18 California Department of Health Care  
 Services; et al.,

19 Defendants.  
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Case No. 2:02-cv-05662 JAK (SHx)

**PLAINTIFFS', STATE  
 DEFENDANTS', AND SPECIAL  
 MASTER'S STATEMENT OF  
 AGREEMENT ON  
 RECOMMENDATIONS 1-4**

Date: October 16, 2014

Time: 1:30 p.m.

Crtrm: 750

Judge: Honorable John A. Kronstadt

21 Plaintiffs, Katie A. et al, and State Defendants, Toby Douglas, Director of the  
 22 California Department of Health Care Services (DHCS), and Will Lightbourne,  
 23 Director of the California Department of Social Services (CDSS), and Special  
 24 Master Richard Saletta hereby file this statement of agreement on  
 25 Recommendations 1-4 of the Special Master's September 26, 2014 report. The  
 26 parties agreed to the language of Recommendation 2 as stated on the record at the  
 27 October 16, 2014 Status Conference, and the Court set the date for the final Status  
 28 Conference as set forth in Recommendation 4. Since the Status Conference, the

1 parties and the Special Master have reached agreement on the remaining  
2 Recommendations as stated below:

3 **Special Master Recommendation 1: Identify Measurable Growth Trends**

4 The Parties to identify measurable growth trends as targets to motivate  
5 counties to continue developing intensive services and the CPM.

6 **Agreed Upon Recommendation 1:**

7 The State, after consultation with plaintiffs and in light of its ongoing  
8 Medicaid and EPSDT obligations, will exercise its authority to identify for each  
9 county: a) performance goals for increasing the number of children and youth  
10 receiving ICC, IHBS, and TFC (once implemented), consistent with the CPM, and  
11 other specialty mental health services, as appropriate; and (b) a projected timeline  
12 for achieving these goals. These goals will be based on county-specific or local  
13 conditions.

14 **Special Master Recommendation 2: Counties Semi-Annual Progress Report.**

15 That State include in the All County Expectations Notice/Letter its intention,  
16 post jurisdiction, to continue the expectation that the counties submit Semi-Annual  
17 Progress Reports to the State on Katie A. Implementation.

18 **Agreed Upon Recommendation 2: Counties' Semi-Annual Progress**  
19 **Reports.**

20 The State has included in the All County Expectations Notice/Letter its  
21 intention that counties will submit an April 2015 progress report. The State is also  
22 considering how it may gather functionally equivalent data in lieu of the need for  
23 ongoing progress reports thereafter. The State anticipates that many of the data  
24 elements captured by the progress reports, in their current form, will be directly  
25 collectable as a result of the recently executed Interagency Agreement (IA) between  
26 DHCS and CDSS. Other data elements may need to be collected using other  
27 methods. Additionally, the State will continue to post the counties' Specialty  
28 Mental Health Services (SMHS) claiming reports after jurisdiction ends on

1 December 1, 2014. These monitoring tools will be further enhanced by any  
2 recommendations the State chooses to adopt from the Joint Management Taskforce  
3 (JMT), which decision will be made by October 27, 2014.

4 **Special Master Recommendation 3: Parties to Maintain Communication**  
5 Post Jurisdiction.

6 The Parties agree to continue to engage in thoughtful discussions about the  
7 future of Katie A. implementation post jurisdiction.

8 **Agreed Upon Recommendation 3:**

9 The parties agree that continued dialog on improving service delivery roll-out,  
10 consistent with the practice model, and avoiding future litigation would be valuable  
11 to the State, counties, Medi-Cal beneficiaries, and stakeholders. The parties also  
12 believe that continued engagement by the negotiation team or similar group may be  
13 a constructive model for future communications, issue-spotting, and problem-  
14 solving. Therefore, the parties intend to convene such a meeting on a mutually  
15 agreed-upon date to discuss the challenges and opportunities relating to continuing  
16 their collaborative communications.

17 **Special Master Recommendation 4: - Future Status Conference.**

18 The Court set a Status Conference in mid-November 2014 to review:

19 The Outcome of the JMT/ACO Recommendations submitted to the  
20 Departments for implementation;

21 Update on Parties conversations regarding plans for continued engagement  
22 post jurisdiction;

23 The States analysis of the October 2014 County Semi-Annual Progress  
24 Reports;

25 Actions the State has taken or is proposing to take, their results or proposed  
26 results that will increase services to subclass members in selected counties pursuant  
27 to the Service Delivery Action Plans and the Statement of Agreement on Selected  
28 Recommendations;

1 Updated TFC Implementation Timeline; and  
2 Other implementation activities.

3 **Agreed Upon Recommendation 4: Future Status Conference.**

4 At the October 16, 2014 status conference, the Court scheduled a Status  
5 Conference for November 24, 2014 at 3:00 p.m. The Court ordered the Special  
6 Master to file a status report by no later than November 20, 2014. Any and all  
7 documents that the parties wish the court to consider must be filed no later than  
8 November 20, 2014.

9  
10 Dated: October \_28, 2014

Respectfully submitted,  
KIMBERLY LEWIS  
NATIONAL HEALTH LAW PROGRAM

/s/ Kimberly Lewis  
*Attorneys for Plaintiffs*

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16 Dated: October \_28, 2014

/s/ Richard Saletta  
*Special Master*

17  
18  
19 Dated: October \_\_28, 2014

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### CERTIFICATE OF SERVICE

Case Name: KATIE A., et al. v. BONTA, et al. No. 2:02-cv-05662 JAK (SHx)

I hereby certify that on October 28, 2014, I electronically filed the following document with the Clerk of the Court by using the CM/ECF system:

#### **PLAINTIFFS', STATE DEFENDANTS', AND SPECIAL MASTER'S STATEMENT OF AGREEMENT ON RECOMMENDATIONS 1-4**

Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

I further certify that some of the participants in the case are not registered CM/ECF users. On October 28, 2014, I have mailed the foregoing document by First-Class U.S. mail, postage prepaid, for delivery within three (3) calendar days to the following non-CM/ECF participants:

John F. Toole, Esq.  
National Center for Youth Law  
405 14th Street, 15th Floor  
Oakland, CA 94612-2701

Kathleen R. Wolfe  
Travis W. England  
U.S. Department of Justice  
950 Pennsylvania Ave NWNYA  
Washington, DC 20530

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.

This declaration was executed on October 28, 2014, at Los Angeles, California.

M. Chacon

Declarant

/s/M. Chacon

Signature