



C.L. "BUTCH" OTTER – Governor
RICHARD M. ARMSTRONG – Director

IDAHO DEPARTMENT OF
HEALTH & WELFARE

DIVISION OF MEDICAID
Post Office Box 83720
Boise, Idaho 83720-0009

April 28, 2014

TO: Adult Developmental Disability Service Coordinators.

This letter is written to inform you of changes to Participant's budget because of a recent court ruling in the case of *K.W. v. Armstrong*, No. 1:12-cv-00022-BLW.

On March 25, 2014 the United States District Court for the District of Idaho certified a class action in *K.W. v. Armstrong*, No. 1:12-cv-00022-BLW. The District Court certified the class to include "[a]ll persons who are participants in or applicants to the DDS waiver program administered by the IDHW as part of the Idaho Medicaid program, and who undergo the annual eligibility determination or reevaluation process."

The District Court simultaneously entered a preliminary injunction that provides in part:

The defendants are prohibited from reducing or terminating Medicaid services under the DDS program to any class member as provided in the Individual Support Plans in place for each class member prior to July 1, 2011, and before the last "ANNUAL ICF/ID LEVEL OF CARE AND DD ELIGIBILITY APPROVAL NOTICE" and budget assignment notice sent to them, unless and until the defendants first provide adequate advance notice, approved by this Court, and the opportunity for a fair hearing prior to the reduction or termination of services.

As a result of this injunction, any budget reduction for a class member since July 1, 2011, must be rolled back under the [March 25, 2014] injunction. For some, that will restore them to their pre-July 1, 2011 budgets. For others, it will restore them to their highest budget level since July 1, 2011. In some cases, the highest calculated budget (or authorized budget if higher) since June 30, 2011 to the present is the current budget. No class member is to be deprived of any budget increase since July 1, 2011

Participants are entitled to submit an addendum to modify and/or add services for the current plan year using any positive difference identified in the budget adjustment letter. However, services may not exceed IDAPA limitations. Please work with the Participant to ensure the addendum requests do not exceed limitations. See IDAPA 16.03.10.514.11 (Community Crisis Supports), 16.03.10.514.02.c (Hourly Supported Living), 16.03.10.651.03 (Developmental Therapy), 16.03.10.654.01 (Developmental Therapy Assessment and Diagnostic Services), 16.03.10.703.12 (Adult Day Health), 16.03.10.727.09 (Service Coordination), and 16.03.10.727.10 (Service Coordination Plan Assessment and Plan Development).

April 22, 2014

Page 2

If you need further clarification about the budget, plan or addendum approvals, please contact the Participant's Care Manager listed below.

To get the information about specific budgets, please contact participants/ Guardians. This information will also be uploaded to the external web site

<http://healthandwelfare.idaho.gov/Medical/DevelopmentalDisabilities/AdultDD/CareManagment/>

Sincerely,
Developmental Disability Services Bureau

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