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**Rosie D. News Stories March 2012**

**Court Approves Access Standard for Intensive Care Coordination (ICC)**

After almost two years of litigation and court conferences, the Court has issued an order approving MassHealth's proposed access standard for ICC. Under the March 20, 2012 Order, ICC providers have up to 14 days to set up initial meetings with youth and families. The order also requires monthly reporting on compliance with the more rigorous access guidelines that will be incorporated in revised ICC program specifications.

Under federal law, the Commonwealth must establish standards for the timely provision of all EPSDT services, which are binding and legally enforceable. Even though ICC was initiated in July 2009, MassHealth claims it never formally promulgated an access standard for this program. Instead, it issued "provider guidelines," through a document called [ICC Program Specifications](http://www.rosied.org/Resources/Documents/ICC.program%20specs.final.doc). The current ICC specifications require a face-to-face meeting within three days. Families and providers have relied upon, and the plaintiffs have sought to enforce, this time limit for the past two years.

In January, the defendants proposed a formal access standard of 14 days for the first meeting with an ICC care coordinator. They also proposed to modify the ICC program specifications to require that 50% of all families have the first meeting in 3 days, 75% have the meeting within 10 days, and all families have a meeting within 14 days. The plaintiffs opposed the 14-day standard, arguing that it quadrupled the length of time families might have to wait for ICC services. But the Court approved the defendants' proposed standard, stating that it would strictly hold the defendants to their own standard, closely monitor compliance with both the standard and the percentage guidelines, and require monthly reports to assess whether these revised time lines were met.

**Court Extends Monitoring and Reporting Until At Least The End of the Year**

U.S. District Court Judge Michael Ponsor extended the Court Monitor's term to at least the end of the 2012 calendar year. Under the Court's 2007 Judgment, the defendants' reporting responsibilities and the term of the Court Monitor were scheduled to end on July 17, 2012. The plaintiffs proposed that both provisions be extended for two years. The defendants opposed any extension. At a hearing March 20, 2012, the Court noted that it was highly unlikely that the defendants could claim substantial compliance with all provisions of the Judgment in the next four months, and that it was impractical to wait until then to decide whether the Court Monitor should continue. Therefore, with the eventual agreement of all parties, the Court ordered that monitoring and reporting be extended to at least December 31, 2012. Prior to that time, the Court will assess any claim of compliance and determine if the Monitor and reporting should be further extended. It received assurances from the defendants that there were sufficient funds in the budget for the next fiscal year to continue the Court Monitor's activities until at least June 30, 2013.

**Court Directs Parties to Develop Disengagement Criteria**

As part of its determination that the Court Monitor and reporting should be extended for at least six months, the Court considered the defendants' proposal for determining whether they had satisfied their obligations under the Judgment. The Court noted, but did not decide, a disagreement between the parties with respect to the process for determining compliance. It was more concerned with the criteria it should apply for evaluating the defendants' implementation activities. It suggested that the time was fast approaching for the parties, or the Court, to develop "disengagement criteria" to assess whether the defendants had substantially satisfied their obligations under the Court's order.

The Court agreed that the defendants' forthcoming status report, which is now due on May 16, 2012, would be the starting point for this process. The plaintiffs were directed to submit a response to the defendants’ report within a month, identifying any key obligations that they felt were not completed. The Court scheduled a hearing on June 25, 2012 to consider the next steps.

**Crisis Stabilization Services Will Be Available by May 31, 2012**

Also at the March 20th hearing, the defendants advised the Court about their efforts to implement the final remedial service – crisis stabilization. The defendants reported that the expansion of Mobile Crisis Intervention (MCI) from 3 to 7 days will be implemented shortly, that revised program specifications should be issued in early April, that training of MCI providers is scheduled throughout April, and that in-home crisis stabilization services should be available no later than May 31, 2012. The plaintiffs expressed their support for these efforts and the re-design of the program.

There was less consensus and optimism with respect to the out-of-home model for providing crisis stabilization through Community Behavioral Acute Treatment (CBAT) programs. The Court asked the parties to discuss this issue at their next meeting with the Monitor.