

Class Action Settlement

Read this notice carefully!

This is a notice about the Medicaid program for adults with developmental disabilities in Idaho. You may have gotten one like this before. This one is different. There is new information.

There is a class action lawsuit about that program. It is called *K.W. v. Armstrong*. The lawsuit is in federal court in the District of Idaho. The case number is 12-cv-22.

The two sides settled one part of the case in September 2015. You might have gotten a notice about that last fall. The Court approved that settlement in June 2016.

The two sides have now come up with a settlement of the rest of the class action case.

Read this notice carefully to make sure you understand it. It probably affects you.

Does this settlement apply to you?

The settlement is about the Idaho Medicaid adult developmental disabilities program. It covers everyone in that program. It also covers people who have applied for the program. If you go through the annual assessment process, the settlement applies to you.

What is the settlement about?

The settlement has 5 main parts.

1 New Model

The Idaho Department of Health and Welfare (IDHW) has agreed to develop a new model for setting personal supports budgets. This might take two years or more. The Department will work with an outside expert to do this. The Department will also send regular updates and encourage people in the program to help develop the new model.

2 Bridge period

While IDHW develops the new model, the current system will change. You will be allowed to appeal your budget amount when you get your budget notice or when you submit your plan.

Everybody who wants someone to help them with an appeal will get someone. Service coordinators and support brokers can be paid to help someone with an appeal. Anyone can get free training about how to do an appeal.

Your budget during this period will be the highest budget you have ever had since July 2011.

3 Health and safety standard

There is a written standard that defines what you need to show to get a higher budget. This standard is called the “health and safety” standard. The standard spells out what documents you need to have to get a higher budget.

4 SIB-R information

The settlement will allow you to get copies of all the SIB-R information about you. That includes the scoring book that the assessor fills out. You will have to sign a form to get these copies.

5 Budget notice

The notice you get each year about your budget amount will change. It will better explain changes in your budget. If you want to appeal your budget, the notice will let you choose to represent yourself or to have someone help you in your appeal.

How can I read the whole settlement agreement?

You can read the whole settlement agreement. You can either get it on the web or get a copy by mail.

To get it on the web, go to:

<http://healthandwelfare.idaho.gov/KWSettlement.aspx>

To get a copy by mail, call 208-364-1878, or write to:

Idaho Department of Health and Welfare
3232 Elder Street
Boise, ID 83705

What can you do next?

If you agree with the settlement, you do not have to do anything.

If you disagree with any part of the settlement and you want to tell the judge, you must write a letter to the judge. Include your name, address, phone number, and signature on the letter. On the first page of the letter, write in large letters:

“K.W. v. Armstrong: objection to settlement.”

If you object, mail your letters to:

Judge B. Lynn Winmill
U.S. District Court
550 West Fort Street
Boise, ID 83702

You must mail your letters on or before **January 5, 2017**.

When and where will the judge make a decision?

The judge will hold a hearing about the settlement:

Courtroom #3	Date: January 12, 2017
U.S. District Court	Time: 3:30 p.m. Mountain Time
550 West Fort Street	
Boise, ID 83702	

What if I have questions?

If you have questions about the settlement, contact:

ACLU of Idaho
PO Box 1897
Boise, ID 83701
(208) 344-9750, extension 1202
www.OurHealthandWelfare.org

The ACLU of Idaho represents the class in the lawsuit. The class includes all people in the adult DD program or who apply to the program.

All documents filed in the lawsuit are on file with:

U.S. District Court for the District of Idaho
550 West Fort Street
Boise, ID 83702

The case is *K.W. v. Armstrong*, no. 1:12-cv-22-BLW.