

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS, WESTERN DIVISION

ROSIE D., *et al.*,

Plaintiffs,

v.

DEVAL PATRICK, *et al.*,

Defendants.

CIVIL ACTION
NO. 01-30199-MAP

BRIEF INTERIM REPORT ON IMPLEMENTATION

The Defendants hereby submit this Brief Interim Report on Implementation (“Report”) as requested by the Court at the March 27, 2009 hearing, in preparation for the hearing scheduled for May 21, 2009.

The Defendants hereby report as follows:

PROJECT 1: BEHAVIORAL HEALTH SCREENING, INFORMING AND NOTICING IMPROVEMENTS

I. Informing, Education and Outreach

The Defendants have been using a wide variety of strategies to inform members, providers and the public about the steps they are taking to implement the remedy in this case. The list below includes many of the activities that will be occurring this spring, and throughout 2009:

MEMBERS

- **Member notice.** The parties worked closely together to develop a readable and informative notice for MassHealth members briefly describing the remedy services and how to obtain them. The notice will be mailed to all households in which there is a MassHealth member

under the age of 21 -- over 450,000 households in all.

- **Member handbooks.** PCC Plan and Managed Care Entity (MCE) member handbooks are being updated to provide information about the new services. Defendants shared the updated text with the Plaintiffs.
- **CBHI family brochures.** A new brochure is under development and will be printed and distributed prior to June 30, 2009 and continuing throughout Fiscal Year 2010 (July 2009 through June 2010) and thereafter.
- **MassHealth and MCE member publications.** Regular articles about remedy implementation are being published in MassHealth's quarterly member publication, Health Highlights. MassHealth's MCEs are including articles on remedy services in publications being distributed this Spring and early Summer.
- **Customer service training.** The Defendants have continued to ensure that MassHealth customer service staff receive quarterly training on the remedy implementation. These trainings will continue throughout 2010. MassHealth has required its MCEs to ensure that their customer service staff are trained about the remedy services.
- **Contact with family organizations.** The Defendants will continue to provide email updates and other communications to inform these organizations about remedy implementation efforts.

PROVIDERS/STATE AGENCIES/PRIVATE AGENCIES

- **MassHealth and MCE provider publications.** MassHealth has published and will continue to publish articles in the PCC Plan Quarterly publication to provide information about

remedy implementation efforts. MassHealth has required and will continue to require the MCEs to do the same in their provider publications.

- **Fact Sheets.** MassHealth is in the process of updating these publications with service descriptions that have been shared with the Plaintiffs. These will be distributed widely to other state agencies, health centers, child care providers, early intervention programs, schools and other providers and agencies that come into contact with MassHealth members.
- **CBHI provider brochure.** A new brochure is being developed and will be distributed in late Spring, throughout FY2010, and thereafter through multiple distribution channels, to give providers information about the new remedy services and how MassHealth members may access them.
- **CBHI provider emails.** MassHealth will continue to communicate with providers on an ongoing basis through emails about remedy implementation efforts.
- **MCE network management activities.** MassHealth is requiring MCEs to inform their provider networks about remedy services through network management activities.
- **CBHI Pre-K through Grade 12 Advisory Workgroup.** This group continues to advise MassHealth and assist in implementing pre-K through Grade 12 communications strategies.

II. Behavioral Health Screening **updated screening data for the period January 1, 2009 through March 31, 2009 will be available by the end of June, 2009.**

PROJECT 2: CHILD AND ADOLESCENT NEEDS AND STRENGTHS (CANS) DEVELOPMENT, TRAINING AND DEPLOYMENT

A. CANS Training and Certification Numbers

As of May 7, 2009, 7,639 clinicians have received CANS certification training, and 7,123

have become certified. MassHealth will continue to provide both web-based training and face-to-face training through University of Massachusetts Medical School (UMMS). UMMS will also provide ongoing CANS user support focused on how providers can use the CANS more effectively in clinical practice and how to effect program improvement.

B. Activities to Support CANS Implementation

As described in the March Interim Court Report, the Defendants have developed a variety of methods for supporting CANS users, including documents on the CBHI website, job aides and interactive instructional videos, conference calls, and direct consultation by EOHHS staff. These activities continue to be updated and refreshed.

UMMS has developed an informational session for clinicians working with children under the age of five, who use the CANS Birth through Four tool. The first session was held in April and served as a pilot. The presentation has been refined and will be offered six to eight times this year, in locations across the Commonwealth.

C. CANS IT Application

The second release of the application was effected on schedule on the morning of April 23, 2009. This release permits the entry of the full CANS tool (with consent from the member or an individual authorized to consent on the member's behalf), in addition to the demographic information and SED determination collected in the first release.

PROJECT 3: DEVELOPMENT OF A SERVICE DELIVERY NETWORK

A. Status of Amendments to the Medicaid State Plan Submitted to Centers for Medicare and Medicaid Services

As previously reported, MassHealth has received approval from the Centers for Medicare and Medicaid Services (CMS) for its State Plan Amendment for Targeted Case Management for

Individuals under 21 with Serious Emotional Disturbance (SED) (Intensive Care Coordination). The remaining remedy services are the subject of a separate proposed State Plan Amendment (SPA) for EPSDT services. CMS had asked MassHealth to “stop the clock” on the formal approval process, to allow for more time for informal communication. That work has been completed and MassHealth “re-started the clock” on April 2, 2009, by formally resubmitting its response to CMS’s “Request for Additional Information,” along with a revised EPSDT SPA (reviewed by the Plaintiffs). Subsequently, CMS asked MassHealth to remove the language for Crisis Stabilization from the EPSDT SPA and to re-submit it as a separate SPA. Defendants have re-submitted the EPSDT SPA, modified as requested, and have submitted a new SPA for Crisis Stabilization.. Defendants interpret this request by CMS to mean that they anticipate approving the remaining EPSDT services except that they are not yet prepared to approve Crisis Stabilization. Submitting a new SPA for this service starts a new 90-day “clock” within which CMS will review the SPA and potentially draft a new Request for Additional Information (RAI).

B. Services for Children Currently Excluded from Managed Care

Plans to enroll children who are currently excluded from managed care into the Massachusetts Behavioral Health Partnership (MBHP) for their behavioral health services are on track for execution by July 1, 2009.

C. Service Delivery Network

ICC Providers: the Community Service Agencies

The CSA “Kick-Off” meeting sponsored by MassHealth’s Managed Care Entities (MCEs) was held on April 24th at the Worcester Crowne Plaza, to discuss readiness and

implementation activities with all selected CSA providers in attendance. The second CSA implementation meeting occurred on May 8th in the same location.

Agenda items included:

- Review of the draft ICC Operations Manual
- Review of medical necessity criteria
- Coordination of ICC and MCI

Additional CSA implementation meetings have been scheduled throughout the summer and fall.

Also, the MCEs are meeting with each CSA individually to oversee CSA start-up planning and execution, including implementation work plans the CSAs have developed to ensure that the CSAs are prepared to provide ICC and Family Partner services to youths as of June 30th. A MassHealth staff person attends each of these individual CSA meetings.

The first of a series of three -day “Wraparound 101” trainings took place April 29-May 1 at the DCU Center in Worcester. The training agenda included:

- Days 1 and 2 explored foundation practices of *Wraparound* by sharing lessons learned from Communities of Care’s experience in engaging in *Wraparound* with families in Central Massachusetts.
- Day 3 focused on organizational supports necessary to establish and sustain successful *Wraparound* practices. Providers also had an opportunity to engage in dialogue and planning around the potential challenges and opportunities that CSA implementation may present.

A Frequently Asked Questions (FAQ) document was prepared and distributed to CSA providers to assist providers in answering any implementation related questions.

Staff from the MassHealth Behavioral Health unit meet each week with all of the MCEs together, to coordinate implementation activities across the MCEs. In addition, every other week the MassHealth staff meet on site individually with each of the MCEs to monitor and oversee their activities, to ensure they are readying their authorization and claims systems and personnel for the CSA and Mobile Crisis Intervention to “go live” on June 30th.

A draft of the Operations Manual for ICC and Family Support and Training Services was shared with the plaintiffs with comments received by MassHealth on April 16.

Three strong bids were submitted in response to MassHealth’s Request for Responses for Intensive Care Coordination training and coaching. The procurement is on schedule for a selection by the end of May and a contract start date in June.

Mobile Crisis Intervention

Emergency Service Program (ESP) providers were announced by MBHP on April 3. The selected providers will also provide directly or through subcontract youth mobile crisis intervention and community crisis stabilization for transition age youth (18-21). A list of the selected ESP providers who will directly or through subcontract provide youth mobile crisis intervention is located in Appendix A.

- MBHP has subcontracted with a vendor to provide training and on-site coaching for the ESP providers. The training process is now underway. MBHP held an ESP provider “kick-off” meeting on May 6th at the MBHP offices in Worcester.

Other Remedy Services

The MCEs worked together to select a common network of providers of the other remedy services (with the exception of crisis stabilization). These providers were announced by the MCEs on May 1.

Other

The utilization management plan was initially discussed with the Plaintiffs on April 14th, with follow-up discussion scheduled for May 20th.

D. State Agency Protocols

In order to implement the Remedy, Defendants have been working with child-serving agencies within the EOHHS secretariat to produce protocols that describe the process and procedures for accessing remedy services and other Behavioral Health services and to coordinate agency-specific case management with ICC, for youth receiving ICC services. In April, a draft of the Department of Youth Services (DYS) protocols was shared with the Plaintiffs. A second draft is currently undergoing a final internal review before being shared with the Plaintiffs. A draft of the Department of Children and Families (DCF) protocols was shared with the Plaintiffs on May 6, 2009. The Plaintiffs submitted written comments to the Defendants on May 12th. The Defendants expect to share a draft of the Department of Mental Health (DMH) protocols with the Plaintiffs during the week of May 18th. The Defendants expect to complete work on these three protocols by the end of May.

In June, DCF will hold six staff trainings for all DCF Supervisors and Area Program Managers to instruct them in the DCF protocols. In addition, Wraparound training staff from UMMS will present an "Introduction to Wraparound Care Planning." Also in June, DYS and DMH will hold statewide staff trainings in their respective protocols, including the UMMS

Introduction to Wraparound Care Planning.

The Defendants are currently working on protocols with staff from the Department of Developmental Services and the Department of Public Health.

PROJECT 4: INFORMATION TECHNOLOGY SYSTEM DESIGN AND DEVELOPMENT

System design work is complete for this project. By the time the first remedy services are being delivered, the Defendants will have the capacity to identify and monitor behavioral health service delivery to children with SED.

The Defendants have been working both internally and with external consultation to design a data collection and analysis plan. This plan includes standard reporting and review of service utilization and cost, measurement of certain quality indicators, and measurement of certain service and clinical outcomes. The Defendants will be working with the Court Monitor and her consultants in June and July to coordinate their efforts on data collection and analysis. As these plans develop, Defendants will be reviewing them with the Plaintiffs

RESPECTFULLY SUBMITTED,

MARTHA COAKLEY
ATTORNEY GENERAL

/s/ Daniel J. Hammond
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Date: May 15, 2009

I hereby certify that a true copy of this document was served electronically upon counsel of record through the Court's electronic filing system on today's date.

/s/ Daniel J. Hammond
Daniel J. Hammond
Assistant Attorney General

Appendix A**Emergency Service Program Providers**

Region	Catchment Area	ESP Provider Organization	MCI Provider (if different from ESP Provider)	Geography covered by subcontracted MCI provider
Boston				
	Boston	Boston Emergency Services Team/ BMC	North Suffolk Mental Health Association and Bay Cove	Entire catchment
Metro Boston				
	Cambridge/Somerville	Cambridge Somerville Emergency Services Team/ BMC	North Suffolk Mental Health Association and Bay Cove	Entire catchment
	Metro West	Advocates Inc.	Wayside Youth and Family Support Network	Entire catchment
	Norwood	Riverside Community Care		
	South Shore	South Shore Mental Health Center		
Central				
	North County	Community Healthlink, Inc.		
	South County	Riverside Community Care	Harrington Hospital/ GB Wells Center	Western portion of catchment area
	Worcester	UMass Memorial Medical Center	Community Healthlink, Inc.	Entire catchment
Northeast				
	Lawrence	Health and Education Services, Inc.		
	Lowell	Health and Education Services, Inc.		
	North Essex	Health and Education Services, Inc.		
	Tri City	Eliot Community Human Services		
Southeast¹				
	Southern Coast	Child and Family Services, Inc.		
Western				
	Berkshires	The Brien Center		
	Greenfield	Clinical and Support Options		
	Northampton	Clinical and Support Options		
	Southern Pioneer Valley	Behavioral Health Network	Carson Center	Westfield portion of catchment

¹ The Department of Mental Health manages four of the five catchment areas in the southeast region which include: Taunton Attleboro, Cape and Islands, Brockton, and Fall River (Corrigan Mental Health Center)

Appendix B

BOSTON REGION

Therapeutic Mentoring:

- 1) Academic & Behavioral Clinic
- 2) Arbour Counseling Services
- 3) Brookline Community Mental Health Center
- 4) Family and Community Solutions
- 5) Family Services of Greater Boston
- 6) The Home for Little Wanderers
- 7) Latin American Health Institute
- 8) MSPCC
- 9) North Suffolk Mental Health Association
- 10) Pyramid Builders Associates
- 11) Osiris Family Institute*
- 12) Roxbury Multi-Service Center*
- 13) South Shore Mental Health*

In-Home Therapy:

- 1) Academic & Behavioral Clinic
- 2) Arbour Counseling Services
- 3) Family Services of Greater Boston
- 4) The Home for Little Wanderers
- 5) Latin American Health Institute
- 6) MSPCC
- 7) North Suffolk Mental Health Association
- 8) Pyramid Builders Associates
- 9) South Shore Mental Health
- 10) Brookline Community Mental Health Center*
- 11) Dimock Community Health Center*
- 12) Family and Community Solutions*
- 13) Germaine Lawrence*
- 14) Osiris Family Insitute*
- 15) Roxbury Mutli-Service Center*

In-Home Behavioral Services:

- 1) Family Services of Greater Boston
- 2) MSPCC
- 3) North Suffolk Mental Health Association
- 4) The May Institute

* In network provider for MBHP only

METRO REGION

Therapeutic Mentoring:

- 1) Academic & Behavioral Clinic
- 2) Arbour Counseling Services
- 3) Bay State Community Services
- 4) Family Services of Greater Boston
- 5) Guidance Center, Inc.
- 6) The Home for Little Wanderers
- 7) North Suffolk Mental Health Association
- 8) Pyramid Builders Associates
- 9) Somerville Mental Health Association, Inc.
- 10) South Shore Mental Health
- 11) Wayside Youth & Family Support Network

In-Home Therapy:

- 1) Academic & Behavioral Clinic
- 2) Advocates, Inc.
- 3) Arbour Counseling Services
- 4) Bay State Community Services
- 5) Family and Community Solutions
- 6) Family Services of Greater Boston
- 7) The Home for Little Wanderers
- 8) North Suffolk Mental Health Association
- 9) Pyramid Builders Associates
- 10) Somerville Mental Health Association, Inc.
- 11) South Shore Mental Health
- 12) Wayside Youth & Family Support Network
- 13) Germaine Lawrence*
- 14) Guidance Center, Inc.*
- 15) Riverside Community Care*

In-Home Behavioral Services:

- 1) Eliot Community Human Services
- 2) Family Services of Greater Boston
- 3) Guidance Center, Inc.
- 4) South Shore Mental Health
- 5) The Edinburg Center
- 6) The May Institute

* In network provider for MBHP only

NORTHEAST REGION

Therapeutic Mentoring:

- 1) Children's Friend and Family Services
- 2) Eliot Community Human Services
- 3) Family Continuity Program
- 4) Health & Education Services
- 5) Latin American Health Institute
- 6) Lowell Treatment Center
- 7) MSPCC
- 8) St. Ann's Home, Inc.
- 9) Wayside Youth & Family Support Network
- 10) Northeast Family Institute*

In-Home Therapy:

- 1) Eliot Community Human Services
- 2) Family Continuity Program
- 3) Health & Education Services
- 4) Latin American Health Institute
- 5) Lowell Treatment Center
- 6) MSPCC
- 7) St. Ann's Home, Inc.
- 8) Wayside Youth & Family Support Network
- 9) Northeast Family Institute*

In-Home Behavioral Services:

- 1) Harbor Schools and Family Services
- 2) MSPCC
- 3) North Suffolk Mental Health Association
- 4) The Psychological Center

* In network provider for MBHP only

SOUTHEAST REGION

Therapeutic Mentoring:

- 1) Bay State Community Services
- 2) Child & Family Services of New Bedford
- 3) Community Care Services
- 4) Community Counseling of Bristol County
- 5) Family Continuity Program
- 6) Justice Resource Institute
- 7) Latin American Health Institute
- 8) Martha's Vineyard Community Services
- 9) Arbour-Fuller Hospital*
- 10) BAMSI*
- 11) Family Service Association*
- 12) Pyramid Builders Associates*
- 13) St. Vincent's Home*

In-Home Therapy:

- 1) Bay State Community Services
- 2) Child & Family Services of New Bedford
- 3) Community Care Services
- 4) Community Counseling of Bristol County
- 5) Family Continuity Program
- 6) Latin American Health Institute
- 7) Martha's Vineyard Community Services
- 8) MSPCC
- 9) South Shore Mental Health
- 10) St. Vincent's Home
- 11) Arbour-Fuller Hospital*
- 12) BAMSI*
- 13) Gateway Healthcare*
- 14) Justice Resource Institute*
- 15) Pyramid Builders Associates*
- 16) South Bay Mental Health*

In-Home Behavioral Services:

- 1) Advocates, Inc.
- 2) BAMSI
- 3) Bay State Community Services
- 4) Community Care Services
- 5) Gateway Healthcare
- 6) Martha's Vineyard Community Services
- 7) The May Institute
- 8) Family Service Association*
- 9) Justice Resource Institute*

* In network provider for MBHP only

CENTRAL REGION

Therapeutic Mentoring:

- 1) Community Healthlink
- 2) Counseling and Assessment Clinic of Worcester, LLC
- 3) Family Continuity Program
- 4) Justice Resource Institute
- 5) The Key Program
- 6) MSPCC
- 7) Wayside Youth & Family Support Network
- 8) Y.O.U., Inc.
- 9) LUK Crisis Center
- 10) Multicultural Wellness Center*

In-Home Therapy:

- 1) Advocates, Inc.
- 2) Community Healthlink
- 3) Counseling and Assessment Clinic of Worcester, LLC
- 4) Family Continuity Program
- 5) LUK Crisis Center
- 6) MSPCC
- 7) Multicultural Wellness Center
- 8) Riverside Community Care
- 9) SMOC Behavioral Health Services
- 10) Wayside Youth & Family Support Network
- 11) Y.O.U., Inc.

In-Home Behavioral Services:

- 1) Counseling and Assessment Clinic of Worcester, LLC
- 2) LUK Crisis Center
- 3) MSPCC
- 4) SMOC Behavioral Health Services
- 5) Y.O.U., Inc.
- 6) The Edinburg Center*

* In network provider for MBHP only

WESTERN REGION

Therapeutic Mentoring:

- 1) Academic & Behavioral Clinic
- 2) Behavioral Health Network
- 3) Brien Center for Mental Health and Substance Abuse Services
- 4) Brightside for Families and Children
- 5) Carson Center for Human Services
- 6) Clinical & Support Options
- 7) Gandara Center
- 8) Northeast Center for Youth and Families
- 9) ServiceNet
- 10) The Key Program
- 11) Community Services Institute*
- 12) MSPCC

In-Home Therapy:

- 1) Behavioral Health Network
- 2) Brien Center for Mental Health and Substance Abuse Services
- 3) Brightside for Families and Children
- 4) Carson Center for Human Services
- 5) Clinical & Support Options
- 6) Gandara Center
- 7) Northeast Center for Youth and Families
- 8) ServiceNet
- 9) The Key Program
- 10) Community Services Institute*
- 11) MSPCC*

In-Home Behavioral Services:

- 1) Behavioral Health Network
- 2) Brien Center for Mental Health and Substance Abuse Services
- 3) Clinical & Support Options
- 4) Community Services Institute
- 5) Gandara Center
- 6) MSPCC
- 7) ServiceNet
- 8) Valley Psychiatric Services
- 9) Brightside for Families and Children*

* In network provider for MBHP only