

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
Western Division**

<hr/>)	
ROSIE D., et al.,)	
)	
	Plaintiffs,)	
)	
v.)	
)	C.A. No. 01-30199-MAP
DEVAL L. PATRICK, et al.,)	
)	
	Defendants)	
)	
<hr/>)	

PROPOSED ORDER ON INTERIM SERVICES

It is hereby ORDERED that:

1. In order to provide medically necessary services to children on an interim basis, prior to full implementation of the remedial services described in the Court’s Judgment, the defendants shall offer existing Family Stabilization Team (FST) services consistent with the following standards that reflect the current FST medical necessity criteria:

(1) FST, as currently contracted, should have sufficient flexibility and elasticity to stabilize children in order to avoid out of home placement;

(2) FST should be provided as long as medically necessary to stabilize a child’s condition, and up to six months as needed by an individual child;

(3) FST should be provided as intensively as medically necessary to stabilize a child’s condition, and up to 10-15 hours per week, as needed by an individual child; and

(4) FST should continue and remains medically necessary, if termination of this service is likely to de-stabilize the child.

2. In order to ensure consistent implementation of these FST standards, the defendants shall:

(1) Meet with the Managed Care Contractors to encourage them to deliver FST services consistent with these standards and to instruct the Contractors to encourage their providers to deliver FST services consistent with these standards;

(2) In conjunction with these meetings, MassHealth will:

a. require each of its Managed Care Contractors to issue a Provider Alert to their FST providers that incorporates these standards, as well as authorization and utilization review policies and procedures;

b. require its Managed Care Contractors to convene a meeting or meetings of FST providers to (1) review the standards and topics addressed in the Provider Alert described in paragraph 3.a. and to (2) engage in a discussion of how to best start preparing to implement the Remedy Services.

c. require each Managed Care Contractor to create a stand alone document listing the FST providers in its provider network, a description of the FST service, the FST standards set forth above, and how MassHealth Members can access the FST service. The Contractors shall disseminate this document electronically and in other accessible formats to their child-serving Behavioral Health and Primary Care Providers and post the information on their websites, in forms and locations appropriate for providers and Members.

d. explore the possibility with its Managed Care Contractors of developing a new FST Service Authorization Report by December 30, 2008, which will be provided to the Court Monitor in the first quarter of 2009.

e. convene periodic meetings with Managed Care Contractors and providers to review implementation of FST services and these standard;

f. seek the advice and suggestions of the Managed Care Contractors as to steps that could be taken, within the current service design, to improve the availability and responsiveness of the service for children with SED and their families.

g. solicit and discuss “lessons learned” from these efforts in the Managed Care Contractors’ Behavioral Health Directors Meeting, chaired by MassHealth and MassHealth’s Behavioral Health Advisory Committee, comprised of Trade Associations, Family Organizations and other stakeholders.

(4) Monitor the utilization of FST services, collect utilization data on FST services, and report quarterly to the Court Monitor and the plaintiffs about the implementation of these FST standards and the utilization of FST services.

3. The defendant’s will be deemed to have complied with this order upon completion of all actions set forth in Part 2 above.

United States District Court Judge

Date: