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**Rosie D. News Stories March 2015**

**Judge Expresses Serious Concerns About the Suspension of Annual Client Reviews Without Notice and the Opportunity for Review**

At a March 11, 2015 Status Conference, US District Court Judge Michael A. Ponsor criticized the Commonwealth for initiating a “structural change” to the evaluation of home-based services, and for suspending the annual client review of the Rosie D. remedial services without input from the plaintiffs and without notice to the Court.

“The plaintiffs may or may not have the right to steer the canoe, but they need to know what’s going on so that they can come in and bring it to my attention,” the judge said.

The defendants have postponed the client reviews while they finalize a new protocol, the Massachusetts Practice Review (MPR). As they told the Court in their recent [**Report on System of Care Reviews**](http://www.rosied.org/Resources/Documents/Defs%27%20Report%20on%20MPR.1.15%20%282%29%20%281%29.pdf), the defendants intend to redirect resources – funding and staffing – from the client reviews toward “a broad array of training and coaching activities” to address problems that were identified in earlier client reviews from 2010 to 2014. They do not plan to initiate a comprehensive MPR with a sample of youth and families until October of 2015.

Over the past four years, the Court has received detailed information on the status of the Rosie D Judgment through reviews of a sample of class members enrolled in Intensive Care Coordination (ICC) or In-Home Therapy (IHT). In 2010 and 2011, the Court Monitor conducted these reviews using the Community Service Review (CSR) protocol. In 2013 and 2014, the Commonwealth assumed the responsibility for coordinating and conducting the reviews, using the System of Care Practice Reviews (SOCPR) protocol. They piloted the latest protocol, the MPR, last fall with 10 test reviews, and are planning a follow-up pilot with 10 more cases in June.

As the plaintiffs stressed in their [**Response**](http://www.rosied.org/Resources/Documents/Plfs%27%20Response%20to%20Defs%27%20Rpt%20on%20MPR.pdf) to the defendants’ Report, the annual client review process is a critically important tool that “provides the Court with a structured and comprehensive way to measure a range of compliance issues, from the adequacy of assessments and treatment planning, to service coordination and the provision of medically necessary home-based services.” Moreover, they pointed out that current client review data is crucial to determine when formal court monitoring should end. In addition, the plaintiffs pointed out that the changing protocol makes it difficult to compare services and service delivery over time. Nevertheless, both the original CSRs and the more recent regional SOCPRs consistently noted significant challenges in implementing the remedial services, and in particular, cited significant inadequacies in assessments and service coordination.

Judge Ponsor acknowledged the importance of the client review process and said, said the plaintiffs “did not have adequate opportunity to have input into this decision … to suspend the SOCPR process and go through this transitional period leading towards the Mass. Practice Review.” He allowed that there was nothing “deliberate” behind the state’s decision, but added, “When these types of structural changes occur, the plaintiffs need to be notified and I need to be notified.”

In response, Emily Sherwood, director of the state Children’s Behavioral Health Initiative, told the Court that the state intends to use the MPR “for the foreseeable future” to measure change. According to Sherwood, the MPR retains the system of care values inherent in the SOCPR.
 **Judge Extends Monitor’s Term Through the End of 2015**

At the same Status Conference, Judge Ponsor also extended the term of the Rosie D. Court Monitor for yet another six months, to December 31, 2015. The Judge pointed out that the state will not begin conducting the complete full-fledged case reviews of youth receiving home-based services under its new protocol until next fall, and said that he and the plaintiffs “want the Monitor to be closely involved” in that process. State officials acknowledged that the final statewide report for the full case review would not be completed until the summer or fall of 2016.

Judge Ponsor rebuffed the state’s proposal to extend Snyder’s term only to the end of September 2015, but said officials could move for early termination if they believed monitoring was no longer needed before December 31stt, which he described as a more “prudent date.”

Plaintiffs’ lead attorney, Steven Schwartz, said the Monitor’s term should extend beyond December – a suggestion the Judge did not rule out – so that she could oversee the entire client review process, the agreed-upon measure for assessing the remedial services. Schwartz said that the outcomes of the fiscal year 2016 reviews “will be instrumental in informing the Court how its Judgment is being implemented,” and added, “We believe the monitoring should extend through that time.” **Commonwealth Agrees to Continue Using CANS Data to Evaluate Effectiveness of Home-Based Services**

After considerable resistance to conducting an annual analysis of CANS data to assess the effectiveness of home-based services for youth who receive ICC or IHT, the Commonwealth prepared a proposal to undertake that analysis, but to focus on selected domains and questions. The Monitor prepared detailed comments on the proposal, suggesting the inclusion of additional domains and questions. The plaintiffs also expressed concerns that given the significantly different average lengths of stay in ICC and IHT, the analysis should be based upon several points in time (baseline, plus 3, 6 and 9 months of service). The Commonwealth agreed to revise its proposal, to undertake the analysis this summer, and produce a report in early fall.