ORDERED, that every six months beginning September 30, 1996, MRDDA shall compile and shall submit to the parties, the Court Monitor, and the Special Master:

(1) an overall assessment of MRDDA's aggregate client habilitation needs;

(2) a recitation of the kind of services required to meet the habilitation needs of the MRDDA clients, as indicated in their IHP's; and

(3) a listing of all habilitation needs indicated in the IHP's of MRDDA clients for which service has not been provided or is not available.

It hereby further is

ORDERED, that to the greatest extent feasible, defendants shall inform (in writing) attorneys appointed to represent Evans class members in Superior Court commitment proceedings that they are responsible for representing their clients' rights under the Evans Consent Orders and any applicable District of Columbia legislation. It hereby further is

ORDERED, that to the greatest extent feasible, defendants shall request (in writing) each attorney representing Evans class members to report any deficiencies found in the implementation of their clients' IHP's to the clients' case managers at MRDDA and to the Court Monitor. This request, and the requirement of the preceding sub-part, may be combined in one document to be sent to the attorney. It hereby further is

ORDERED, that to the extent she does not already do so, the

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Court Monitor shall include in her reports to the Court, a summary of any deficiencies found in the implementation of the IHP's of Evans class members and any action taken to rectify those deficiencies. It hereby further is

ORDERED, that the Court Monitor shall verify defendants' compliance with the Court's Consent Orders by evaluating a random sample of at least 100 IHP's each year, to determine whether such individual assessments and the IHP's of which they are a part meet professional standards, including relevant standards of the Accreditation Council (formerly the Accreditation Council for Services for Mentally Retarded and other Developmentally Disabled Persons), as required by the past Consent Orders.

IV. GENERAL RECOMMENDATIONS

The Court adopts the recommendations set forth in the Special Master's January Report and Supplemental Report, although the Court changes the dates by which defendants must submit to the Court its uniform IHP form and its proposed order for the continuing timely payment of class care providers. Accordingly, it hereby is

ORDERED, that on or before October 31, 1996, defendants, in conjunction with the plaintiffs and the Special Master, shall submit to the Court a proposed order for the timely, predictable, and full payment of Evans care providers. This requirement does not in any way delay or remove defendants' obligation to pay Evans vendors within 30 days of submission of acceptable invoices or requests for Medicaid reimbursement, nor does it serve to

noncompliance. It hereby further is

ORDERED, that from the date of this Remedial Plan forward, any party seeking emergency relief from the Court regarding immediate payment of an overdue, acceptable invoice from defendants must present that claim first to the Special Master. It hereby further is

ORDERED, that after an emergency petition for payment is filed with the Court and presented to the Special Master, the Special Master shall hold an informal hearing within three working days of the date the emergency petition is filed. It hereby further is

ORDERED, that within three working days of the date of the hearing on any emergency petition for payment, the Special Master shall file recommended findings of fact and conclusions of law regarding the claim with the Court.

SO ORDERED.

Stanley S. Harris
United States District Judge

Date: AUG 2 1996

OFFICE OF THE CHIEF FINANCIAL OFFICER
Government of the District of Columbia

CLEARANCE AND SIGNATURE REQUEST FOR CFO

PRIMARY ACTION REQUESTED:

Approval

COMMENTS:

Court Order/Evans decree
Payments to Providers-Medicaid and Non-Medicaid. Imposition of fines for failure to make timely payments.

We are putting together a OCFO cluster team to ensure that we are prepared to meet, and will in fact meet, all the judicial requirements/orders as set forth by the judge in the enclosed remedial plan.

We had a meeting of the team on Friday, August 16, and will meet again Monday, August 19th.

MAX

CLEARED BY

ROUTING	GOVT AGENCY HEAD	CLUSTER AGENCY HEAD	OCFO REVIEWER	DEPT CHIEF OF STAFF
PHONE	279-[illegible]		[illegible]	
INITIALS	[illegible]			NSD
DATE APPROVED	8/15/96			8-22-96

* RETURN APPROVED REQUESTED TO THE CHIEF FINANCIAL OFFICER

TO BE USED FOR

1. Letters, documents, etc., requiring the Chief Financial Officer's Signature
2. Requests for extensions/decisions by the Chief Financial Officer

"PART A—BLOCK GRANTS TO STATES FOR TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

"SEC. 401. PURPOSE. 42 USC 601.

"(a) IN GENERAL.—The purpose of this part is to increase the flexibility of States in operating a program designed to—

"(1) provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives;

"(2) end the dependence of needy parents on government benefits by promoting job preparation, work, and marriage;

"(3) prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies; and

"(4) encourage the formation and maintenance of two-parent families.

"(b) NO INDIVIDUAL ENTITLEMENT.—This part shall not be interpreted to entitle any individual or family to assistance under any State program funded under this part.

Enclosure 2

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HUMAN SERVICES

MEMORANDUM

TO: Dr. Natwar Gandhi
Chief Financial Officer

FROM: Carolyn Graham
Deputy Mayor for Children,
Youth and Families

DATE: December 18, 2001

SUBJECT: Release of Fines Accrued in Evans to DHS-MRDDA

It has come to my attention that four million dollars has been accrued in prior years in the Department of Human Services' (DHS) budget to pay fines for non-compliance with the Court Orders in Joy Evans, et al. v. Anthony Williams, et al. That case governs services for persons with mental retardation and developmental disabilities. The U.S. Court of Appeals reversed the District Court's imposition of fines on procedural grounds and remanded the case back to the District Court for further litigation. In order to avoid significant exposure for increased fines, the cost of litigation and potential receivership, the parties entered into negotiations for a remedial plan to come into compliance with the Court Orders.

The parties also negotiated terms by which the District could disengage from the Court Orders as they come into compliance with the Orders for a sustained period of time, ultimately eliminating Court supervision entirely. The plan was filed in February of 2001 and is called the "Evans Plan for Compliance and Conclusion" (a/k/a the "Exit Plan"). The Exit Plan serves not only as a roadmap for compliance and termination of Court supervision of DHS Mental Retardation and Developmental Disabilities Administration (MRDDA), it also serves as a risk management plan that if followed, allows the agency to meet the applicable standard of care for individuals receiving services at MRDDA.

Although the agreement of the parties in entering the Exit Plan forgave certain accrued fines, the money should be applied to the improvement of programs and services for MRDDA consumers in order to ensure compliance with the Court Orders and termination of the suit, as well as to avoid the imposition of fines and the threat of a motion for receivership in the future.