

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

A. A., *by and through his mother,*
P.A., ET AL.

CIVIL ACTION

VERSUS

STEPHEN R. RUSSO, *in his*
official capacity, as Secretary of
the Louisiana Department of
Health, ET AL.

NO. 19-00770-BAJ-SDJ

ORDER

WHEREAS, on November 30, 2023, the Court entered its Order certifying a class in the above-captioned action pursuant to Federal Rule of Civil Procedure 23(b)(2), with the class defined as:

All Medicaid-eligible youth under the age of 21 in the State of Louisiana who have a mental health or behavioral disorder, and for whom a licensed practitioner of the healing arts recommends Intensive Care Coordination, Crisis Services, and Intensive Behavioral Services to correct or ameliorate their disorders.

(Doc. 187, the “Amended Class Certification Order”);

WHEREAS, the Amended Class Certification Order required Plaintiffs to submit a motion for approval of their proposed form of class notice and their notice program within 30 days the (“Notice Motion”), and further required that any objections to the Notice Motion be filed within 14 days of the filing of the Notice Motion;

WHEREAS, on December 7, 2023, Plaintiffs filed their unopposed Notice

Motion, which sets forth Plaintiffs' proposed Notice Program, and appends Plaintiffs' proposed Notice Form;

WHEREAS, the deadline to object to Plaintiffs' Notice Motion has passed without any objections being filed;

WHEREAS, the Court finds that Plaintiffs' proposed Notice Program and Notice Form are appropriate to the needs of this case, are carefully crafted, and will "protect class members and fairly conduct the action," Fed. R. Civ. P. 23(d)(1)(B),

IT IS ORDERED that **Plaintiffs' Unopposed Motion For Approval Of Plan Of Class Notice (Doc. 189)** be and is hereby **GRANTED**.

IT IS FURTHER ORDERED that within **30 days** of the date of this Order, Defendants shall post Plaintiffs' Notice Form¹ in a conspicuous format on the following public-facing websites:

1. Louisiana Department of Health Main Page, available at <https://ldh.la.gov/>
2. Louisiana Department of Health, "Behavioral Health" homepage, available at <https://ldh.la.gov/index.cfm/subhome/10>
3. Louisiana Department of Health, "Medicaid" homepage, available at <https://ldh.la.gov/index.cfm/subhome/1>
4. Louisiana Department of Health, "Healthy Louisiana" page, available at <https://ldh.la.gov/index.cfm/subhome/48>
5. Louisiana Department of Health, "Healthy Louisiana Resources" page, available at <https://ldh.la.gov/index.cfm/page/2477>
6. Louisiana Department of Health, "Provider & Plan Resources" page, available at <https://ldh.la.gov/index.cfm/subhome/6>
7. Louisiana Department of Health, "Developmental Disabilities" page, available

¹ Plaintiffs' Notice Form is appended as Exhibit 1 to Plaintiffs' unopposed Notice Motion. (See Doc. 189-1).

at <https://ldh.la.gov/index.cfm/subhome/11>

8. Louisiana Department of Health, "Behavioral Health Managed Care" page, available at <https://ldh.la.gov/index.cfm/subhome/18>
9. Louisiana Department of Health, "Office of Behavioral Health- Mental Health Services" page, available at <https://ldh.la.gov/index.cfm/page/97>
10. Louisiana Department of Health, "Coordinated System of Care" page, available at <https://ldh.la.gov/index.cfm/subhome/49>
11. Louisiana Department of Health, "Crisis Response Resources" page, available at <https://ldh.la.gov/index.cfm/page/2519>
12. Louisiana Department of Health, "About Medicaid" page, available at <https://ldh.la.gov/index.cfm/page/220>
13. Louisiana Department of Health, "Medicaid... For Children and Families" page, available at <https://ldh.la.gov/index.cfm/page/221>

IT IS FURTHER ORDERED that within **30 days** of the date of this Order, Defendants shall issue a letter, the language of which is to be prepared in collaboration with Plaintiffs' counsel, to each of Defendants' human service districts and authorities informing them of the Court's Amended Class Certification Order, and requiring that each of these entities post Plaintiffs' Notice Form in a conspicuous format on their public-facing websites, and, further, physically post the same in a conspicuous format at all office locations, including but not limited to, their health centers and clinics:

1. Acadiana Area Human Services District, available at <https://aahsd.org/>
2. Capital Area Human Services District, available at <http://www.cahsd.org/>
3. Central Louisiana Human Services District, available at <https://clhsd.org/>
4. Florida Parishes Human Services Authority, available at <http://fphsa.org/>
5. Imperial Calcasieu Human Services Authority, available at <https://imcalhsa.org/>

6. Jefferson Parish Human Services Authority, available at <https://www.jpksa.org/>
7. Metropolitan Human Services District, available at <https://www.mhsdla.org/>
8. Northeast Delta Human Services Authority, available at <https://nedeltahsa.org/>
9. Northwest Louisiana Human Services District, available at <https://nlhsd.org/>
10. South Central Louisiana Human Services Authority, available at <http://www.sclhsa.org/>

IT IS FURTHER ORDERED that within **60 days** of the date of this Order, Defendants shall issue a guidance letter, the language of which is to be prepared in collaboration with Plaintiffs' counsel, to their contracting managed care organizations ("MCOs") informing them of the Court's Amended Class Certification Order and requiring that, within **90 days** of the date of this Order, the MCOs promulgate Plaintiffs' Notice Form to their network providers via a provider bulletin or similar alert mechanism.

IT IS FURTHER ORDERED that within **30 days** of the date of this Order, Defendants shall post Plaintiffs' Notice Form in a conspicuous format on Defendants' provider enrollment portal.

IT IS FURTHER ORDERED that within **120 days** of the date of this Order, Defendants shall send Plaintiffs' Notice Form electronically to all behavioral health providers who have enrolled in Louisiana Medicaid through the portal.

IT IS FURTHER ORDERED that within **30 days** of the date of this Order, Plaintiffs' counsel, the Southern Poverty Law Center and Disability Rights Louisiana, shall post Plaintiffs' Notice Form in a conspicuous format on their public

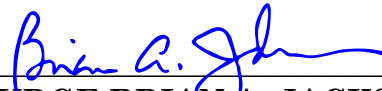
facing websites, www.splc.org and disabilityrightsla.org, and provide a toll-free phone number and contact form for prospective class members and/or caregivers to contact class counsel for additional information or assistance.

IT IS FURTHER ORDERED that within **60 days** of the date of this Order, Plaintiffs' counsel will send a copy of the notice, at Plaintiffs' counsels' cost, via electronic mail or U.S. postal mail to the following organizations:

1. Acadiana Legal Service Corporation;
2. American Civil Liberties Union (ACLU) Louisiana;
3. Baton Rouge Children's Advocacy Center;
4. CrescentCare Legal Services;
5. Boys & Girls Clubs in Louisiana;
6. Disability Rights Louisiana's (DRLA) Protection and Advocacy for Individuals; with Mental Illness (PAIMI) Advisory Council;
7. Families and Friends of Louisiana's Incarcerated Children;
8. Families Helping Families;
9. Louisiana Association of Clinical Social Workers;
10. Louisiana Center for Children's Rights;
11. Louisiana Chapter National Association of Social Workers;
12. Louisiana Fair Housing Action Center;
13. Louisiana State Bar Association;
14. Loyola University of New Orleans College of Law Social Justice Clinic, Juvenile Justice, and Children's Law Clinic;
15. Mental Health Advocacy Services;
16. National Alliance on Mental Illness Louisiana;
17. Roderick & Solange MacArthur Justice Center;

18. Southeast Louisiana Legal Services;
19. The ProBono Project;
20. The Promise of Justice Initiative (PJI); and
21. Tulane Law School Juvenile Law Clinic.

Baton Rouge, Louisiana, this 22nd day of December, 2023



**JUDGE BRIAN A. JACKSON
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**