

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

OSCAR SALAZAR, <u>et al.</u> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 93-452 (GK)
	:	
DISTRICT OF COLUMBIA, <u>et al.</u> ,	:	
	:	
Defendants.	:	

ORDER

On December 22, 2015, Plaintiffs filed their Motion for Preliminary Injunction Concerning District of Columbia Medicaid Applications and Renewals [Dkt. No. 2070]. On January 15, 2016 the District filed its Opposition [Dkt. No. 2077], and on January 29, 2016, Plaintiffs filed their Reply in Support of their Motion for Preliminary Injunction [Dkt. No. 2083].

On February 9, 2016, Plaintiffs filed their Motion for Modification of the Settlement Order [Dkt. No. 2093]. On February 26, 2016, the District filed its Opposition to Plaintiffs' Motion for Modification [Dkt. No. 2097]. On March 7, 2016, Plaintiffs filed their Reply in Support of their Motion for Modification [Dkt. No. 2102], and on March 28, 2016, the District filed its Surreply [Dkt. No. 2108].

On February 19, 2016, with the Parties' consent, the Court decided to resolve the two Motions simultaneously. Plaintiffs and

the District rely on the same factual and legal arguments in support of their positions on the Motion for Preliminary Injunction as they do with respect to the Motion for Modification of the Settlement Order. Additionally, Plaintiffs request precisely the same relief in their Motion for Preliminary Injunction and in their Motion for Modification (with the one exception of a request for monthly reports from the District, which appears only in the latter Motion).

Upon consideration of the Motions, Oppositions, Replies, Surreply, and the entire record herein, and for the reasons stated in the accompanying Memorandum Opinion, it is hereby

ORDERED, that Plaintiffs' Motion for Modification of the Settlement Order shall be **granted** with modifications to the requested relief that follow below; and it is further

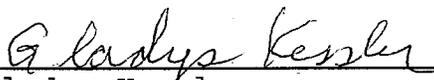
ORDERED, that Plaintiffs' Motion for Preliminary Injunction shall be **denied** as moot; and it is further

ORDERED, that the Court's Order Modifying the Amended Remedial Order of May 6, 1997 and Vacating the Order of March 27, 1997 [Dkt. No. 663] (referred to throughout as the "Settlement Order") in this case shall be amended to include the following provisions:

- Defendants shall provisionally approve all Medicaid applications pending over 45 days until a final determination can be made;

- Defendants shall continue the eligibility of all Medicaid recipients due to be renewed or recertified for 90 days after each recipient's renewal or recertification deadline unless Defendants have affirmatively determined that the recipient is no longer eligible for Medicaid;
- These remedies shall remain in place until Defendants demonstrate to the Court, based on substantial evidence, that their technology and administrative processing systems for making timely eligibility determinations on applications and providing adequate notice to Medicaid recipients and applicants of the decisions on renewals and applications are functioning as required to ensure and protect the rights of Medicaid recipients and applicants under the Due Process Clause of the Fifth Amendment of the United States Constitution, Title XIX of the Social Security Act, 42 U.S.C. 1395, et seq., and accompanying regulations, 42 C.F.R. 430, et seq., and the Patient Protection and Affordable Care Act of 2010, Pub. L. No. 111-148, 124 Stat. 119, et seq. ("ACA"), and its implementing regulations; and
- Defendants may move to terminate these remedies anytime they can make the demonstration described above.

April 4, 2015


Gladys Kessler
United States District Judge

Copies to: attorneys of record via ECF