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August 1, 2012

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Re: *JM. v. DOH et al,* Case. No. 07-CV-00604-RB-ACT
Defendants' Response to Plaintiffs' Submission of Their Second Annual Report

Dear Ms. Maldonado and Mr. Fajardo:

Thank you for the opportunity to reply to Plaintiffs' letter to DDPC related to the Second Annual Report on JM. v DOH et. al. The Settlement Agreement states that DDPC will publish an annual public report which describes the circumstances of the individuals who may be eligible for the benefits of the Settlement Agreement, and will create that report from information compiled from other parties. While the Settlement Agreement goes on to state that DDPC will not do independent research, Defendants hereby register their objections to the misinformation contained in Plaintiffs' letter.

Plaintiffs' counsel alleges non compliance with the Arbitrator's Order of November 9, 2010. Defendants' Second Annual Report provides an update as to the ongoing compliance with the November 9, 2010 Order. It should be noted that this allegation is currently before Arbitrator Michael Gross, and there has been no determination of a violation of the Order at this time.

Plaintiffs' counsel also alleges non compliance with the Arbitrator's Order of January 20, 2011. Defendants' Second Annual Report provides an update as to the ongoing compliance with the January 20, 2011 Order. This allegation is also before Arbitrator Michael Gross, and there has been no determination of a violation of the Order at this time.

Defendants object to the misrepresentations of the communications between the parties, and hereby attach both the Plaintiffs' February 10, 2012 letter, and Defendants' April 2, 2012 Response. The adequacy of Defendants' response is currently before Arbitrator Michael Gross.

To the seven specific alleged violations of the Settlement Agreement Plaintiffs' list on page 7 of their letter, Defendants provide the following response.

1) "*Members of the proposed class who need assistance making decisions still do not have the guardians or medical surrogate decision – makers they need.*" Defendants have facilitated and processed every Columbus recommendation for a guardian, a Power of Attorney or a Health Care Decision Maker. Until a Court determines that an individual lacks capacity to make their own decision, Defendants must honor the choices of the individual. In some cases, the Office of Guardianship declined to pursue guardianship, in other cases, individuals with capacity declined the offer to identify a surrogate decision maker. There is no proposed class; no class was ever certified.

2) "*Members of the proposed class who are eligible for the Personal Care Option program still are not receiving those services.*" Defendants exceeded the requirement of the Settlement Agreement and have referred all eligible individuals to the appropriate state agency for a determination of eligibility for the Personal Care Option program. Some individuals who were eligible for the service declined, some individuals resided in nursing homes or ICF/MR's and are not eligible for the PCO program.

3). "*Some people who are entitled to receive at least quarterly visits from the CSI workers have not received the quarterly visits.*" Since January 1, 2011, Defendants have met the Settlement Agreement and the January 20, 2011 Order to make at least quarterly, face to face visits to individuals who are not on a waiver. Pursuant to the January 20, 2011 Order, when an individual refuses the visit, is not available for the scheduled visit, or insists on a different visitation schedule, the information is provided monthly to Plaintiffs' counsel on a CSI Visitation Report. It would appear that Plaintiffs' do not recognize the individual's right to decline a visit or request an alternate visitation schedule. This issue is before Arbitrator Michael Gross.

4) "*The CSI personnel have not implemented some of the service plans developed for members of the proposed class, and some CSI personnel are not effectively providing needed assistance to members of the proposed class;*" Defendants have implemented all service plans. Service plans were created for every individual who received a recommendation from Columbus. These service plans were provided to Plaintiffs' counsel January 20, 2011, and updated plans were provided to Plaintiffs' counsel June 22, 2012. CSI reports that all recommendations were followed up.

5) "*Members of the proposed class who are eligible for, and need, Waiver services are not getting them;* Columbus made 84 referrals to the DD Waiver. All but 14 have been facilitated and processed; some were a match for service and some individuals or their guardians declined the service. There was no agreement in the Settlement to place individuals on the waiver. All eligible individuals are on the Central Registry waiting list. The date that an individual is entered onto the Central Registry is the date that Columbus made the recommendation, regardless of how long it took to complete the facilitation and document collection process. Since the timeline to actually receive DD Waiver services currently involves a ten year wait, none of the 84 individuals processed as a result of CSI efforts are receiving waiver services at this time.

6) "*The Defendants are improperly reducing Personal Care Option services for members of the proposed class;*"The Personal Care Option is a state program administered by the Human Services Department. The Human Services Department is not a party to the Settlement Agreement. The Settlement Agreement specifically states that individuals eligible for state services will receive them "in accordance with program guidelines, eligibility criteria, and available funding, subject to the Defendants' respective statutory and regulatory responsibilities." Settlement Agreement, ¶ 3c. The Human Services Department (HSD) issued new rules for the PCO program in December 2011 which has resulted in the reduction of some of the PCO hours for some of the eligible Foley individuals. Although Defendants have no control over HSD's rule making process, Defendants did provide the Human Services Department with the names of every individual receiving PCO and requested that the agency review any reduction of PCO services.

7) *"Some people who are stuck in nursing homes are not getting assistance from CSI to get out."* The Settlement Agreement does not provide CSI with any authority to interfere in guardian decisions regarding medical and residential placement decisions of their wards. CSI does continue to visit and communicate with all eligible individuals and their guardians and families, when appropriate.

Defendants urge DDPC to obtain accurate data before publishing the Second Annual Report.

Sincerely,

WALZ AND ASSOCIATES

/s/ Kathyleen M. Kunkel

Kathyleen M. Kunkel, Esq.

KMK/sch
Enclosure(s): As stated.

cc via email with enclosures:

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April 2, 2012

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Re: ***JM v. NM DOH, et al.*, No. 07-CV-604 RB/ACT**

Dear Mr. Cubra and Mr. Hall,

This letter is in response to your letter of February 10, 2012.

I. THIRD REPORT

Plaintiffs allege that Defendants have failed to comply with the provision on page 4 of the Arbitrator's January 20, 2011 Order.

Defendants have complied with the following provision on page 4 of the Arbitrator's January 20, 2011 Order through submission of the following:

1. Service Plans for each individual with a list of the recommendation from Columbus for each individual, identification of the actions taken by CSI to follow up with recommendations and other actions taken on behalf of the individual. These Service Plans were provided to Mr. Michael Gross, Arbitrator, and Mr. Peter Cubra on a CD with a cover later dated January 19, 2011 in PDF form, Bates No. 000001-000664. (see Attachment 1, letter of 1/19/2012).
2. Service Status Reports (DDW, PCO, HCDM and Power of Attorney) which identify the actions taken to facilitate the application for the programs and services recommended by Columbus, submitted 2/21/2011 electronically to Michael Gross, Arbitrator, and plaintiffs' counsel, which have been updated and submitted monthly thereafter.(see Attachment 2, email of 2/21/2011)
3. The Power of Attorney (POA) Service Status report provided at the meeting with Peter Cubra and John Hall on 3/2/2012 clarified for each individual whether a Power of Attorney has been identified, or, if the individual chose to decline the recommended service, the date on which a Service Declination Form was signed (FN1). During the March 2nd, 2012 meeting, Plaintiffs' counsel was reminded that Gabrielle Sanchez-Sandoval, Acting General Counsel provided a training to all CSI workers including the appropriate paperwork to provide to individuals in order

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1 Whenever possible, Defendants have documented the declination of any service by having the individual or guardian sign a "Declination of Services" form. These documents are retained by the Department of Health. A sample of the Declination of Services form is attached as Attachment 3.

to have a discussion regarding the POA process and the selection of an appropriate person to serve as the Power of Attorney. Trainings were also provided to CSI with information and appropriate forms regarding the Guardianship process and how to select a Health Care Decision Maker.

II. RELEASE OF DOCUMENTS

Plaintiffs allege that Defendants have failed to comply with the following provision on page 2 of the Arbitrator's November 11, 2010 Order:

1) The New Mexico Department of Health shall provide to Plaintiffs' counsel any documents sought by a release within thirty (30) days of receipt of the release.

Defendants retained a private investigator to catalog all documents stored in Cottage 2 of the LLCP, the storage rooms at the Bank of the West, including the micro fiche which contained the CST documents. Defendants' investigator searched State Archives for documents related to the individuals for whom Plaintiffs' counsel had produced valid releases.

Defendants provided copies of all additional documents for each of the individuals for whom plaintiffs' counsel provided a valid release of information. At the meeting on March 2, 2012, Defendants included a checklist of all previously released documents for each individual for whom Plaintiffs' counsel provided a valid release. Counsel for both the Department of Health and Aging and Long Term Services Department were required to engage in multiple conversations with Plaintiffs' counsel to cure deficiencies in the most of the releases. This resulted in delays. There are no further documents to produce.

III. AFFIDAVIT

Plaintiffs' counsel allege that Defendants have not fully complied with the provision on page 2 of the Arbitrator's November 11, 2010 Order, specifically, "to provide an affidavit to Plaintiffs' counsel and the Arbitrator within thirty (30) days for this Order, verifying that it has confirmed and has documented in writing on file, an explicit refusal to be contacted by the State Agency Defendants by those individuals so noted on Exhibit A."

Plaintiffs' counsel requested a new affidavit, or, in the alternative, a meeting with Plaintiffs' counsel to explain the Affidavit of 12/12/2010. Plaintiffs' counsel further request that DOH "provide us with a new affidavit that addresses all of the deficiencies in the first affidavit, and provides all such information regarding all 25 individuals identified in the January 24, 2012 CSI report as "Do Not Contact". Plaintiffs' counsels go on to request that Defendants' new affidavit include information, inter alia, on who made the refusal, what was their authority and if any refusals were made by guardians whose appointment was facilitated by DOH.

Defendants respond to the allegations as follows:

Defendants produced the required Affidavit on 12/12/2010.

For each individual on the January 24, 2012 CSI Visitation Compliance Report identified as "Do Not Contact" (DNC)(FN 2) the updated CSI visitation report for the month of March 2012 indicates the date on which the individual (or the guardian if appropriate) signed the DNC form. For any refusals made by the individual's guardian, a list of those individuals was sent to Disability Rights of New Mexico in accordance with paragraph 3(f) of the Settlement Outline. The Department continues to respect an individual's right to accept or decline a service or assistance, until the individual has been formally declared to lack capacity.

The Columbus Organization was contracted pursuant to the terms of the Settlement Agreement to provide oral and written notice, conduct assessments and make recommendations to CSI to follow-up regarding services. The Department is in the process of verification that each individual received the required notice. Some individuals were referred to the Columbus Organization despite a DNC on file if the DNC was received prior to January 8th, 2010.

Regarding the 25 individuals identified in the January 24, 2012 CSI Visitation Report:

1. 210 Family has requested that CSI not initiate contact, but will contact CSI if and when they need assistance.
2. 1153 Individual signed DNC on 1/19/2011 received by CSI worker.
3. 1723 Individual signed DNC on 3/7/2011 received by CSI.
4. 2474 Individual and family states he does not want contact from CSI.
5. 2842 Individual signed DNC on 3/1/2011 received by CSI.
6. 3115 Individual signed DNC on 6/28/2011 received by CSI.
7. 3160 Individual signed DNC on 3/30/2011 received by CSI.
8. 3509 Individual verbally requested DNC on 6/27/2011.
9. 3666 Guardian signed DNC 3/21/2011 received by CSI.
10. 4426 Individual verbally requested DNC received 5/26/2011 by RCI.
11. 4739 Guardian signed DNC 4/4/2011 received by CSI.
12. 4772 Individual signed DNC on 2/24/2011 received by CSI.
13. 5599 Guardian signed DNC on 2/28/2011 received by CSI.
14. 6132 Individual signed DNC on 11/26/2010 received by CSI.
15. 6407 Individual signed DNC on 3/22/2011.
16. 6533 Individual signed DNC on 2/28/2011 received by CSI.
17. 6598 Individual verbally requested DNC on 3/16/2011 to CSI.
18. 6626 Individual signed DNC on 3/23/2011.
19. 6655 Individual signed DNC 2/24/2011 received by CSI.
20. 7495 Individual signed DNC 3/14/2011 received by CSI.
21. 7882 Individual signed DNC 10/24/2011 received by CSI.
22. 8000 Individual and proposed guardian signed DNC 3/22/2011.
23. 8249 Individual signed DNC on 3/30/2011 received by CSI.
24. 8860 Individual signed DNC on 6/7/2011 received by RCI.
25. 9926 Individual signed DNC on 2/18/2011 received by CSI worker.

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2 Whenever possible, Defendants have documented the request to cease all contact by having the individual or guardian sign a "Do Not Contact" form. These documents are retained by the Department of Health. A sample of the Do Not Contact Form is attached as Attachment 4.

IV. MONTHLY REPORTS

Plaintiffs' counsel alleges that Defendants have failed to comply with the following provision on pages 2-3 of the Arbitrator's January 20, 2011 Order, which directs Defendants to report to Plaintiffs' Counsel on contact between CSI workers and eligible individuals. The second report requires Defendants to describe the status of the PCO and Waiver application process for every person identified by Columbus as eligible for a waiver, including what Defendants have done, and plan to do, to get the necessary documentation to support such applications. Defendants were ordered to report to Plaintiffs' counsel on the progress every thirty days.

Defendants have submitted five monthly updated Service Status Reports (DDW, PCO, POA, HCDM and CSI Visitation Compliance) every month, beginning on February 21, 2011. These monthly updated reports list the status of the relevant application process for each individual and include what CSI has done, and intends to do, to assist the individuals in gathering the necessary documentation to support such applications.

Subsection A

According to paragraph 3(c) of the Agreement, each individual who receives Waiver referral shall "simultaneously apply for PCO services". As was related to plaintiffs' counsel during the meeting on March 2, 2012, a decision was made by the Department to refer all individuals for PCO services. As plaintiffs' correctly noted, 21 individuals listed on the DDW report were inadvertently not listed on the PCO report, however these 21 individuals were in fact referred for PCO services, and CSI workers provided and continue to provide information and assistance. The status of the PCO application process for each of the 21 individuals indentified by Plaintiffs' counsel is listed below, and these individuals will be included in the March 2012 Service Status Report.

1. 1206 N/A; Individual lives in ICF/MR
2. 1235 Receives PCO services
3. 1267 Individual not eligible for PCO; receives QMB
4. 1689 N/A; Individual lives at Ft. Bayard Medical Center
5. 1925 Individual signed Service Declination form 7/25/2011
6. 1987 Individual not currently eligible – currently incarcerated
7. 2276 Individual signed Service Declination form 7/27/2011
8. 2543 Individual has expressed frustration to CSI worker about PCO application process, CSI worker offered to accompany individual to PCP appointment to explain PCO benefits to doctor; no guardianship
9. 2813 N/A; Individual lives in ICF/MR
10. 2980 N/A; Individual lives in ICF/MR
11. 3204 N/A; Individual lives in ICF/MR
12. 3867 N/A; Individual lives in ICF/MR
13. 3904 N/A; Individual lives in ICF/MR
14. 4587 Guardian and Individual declined PCO services on 3/08/2012
15. 5177 Individual lives in nursing facility
16. 5763 Guardian signed Service Declination Form 3/19/2012

17. 6107 Service Declination form signed by individual 4/21/11
18. 7777 Individual lives in nursing facility
19. 8017 N/A; Individual lives in ICF/MR
20. 8093 Individual was provided with MAD 379 form on 2/3/12
21. 9205 N/A; Individual lives in ICF/MR

Subsection B

As noted above, it was the decision of the Department of Health to refer all individuals to the PCO program. However, the determination to refer individuals for waiver services was only made by the Columbus reviewer. For this reason there will be a discrepancy between the number of individuals referred to PCO and the number of individuals referred to DDW.

Subsection C

In response to questions based upon the January 24, 2012 DDW Report, information on each declination follows, as requested:

"Declined Service"

1. 1206 Guardian sent letter to Eligibility requesting closure of DDW app 1/5/11
2. 1267 Individual signed Service Declination on 5/05/11
3. 1780 Service Declination Form signed by individual 4/28/11
4. 1920 Guardian signed service declination form on 6/20/11
5. 1925 Individual signed service declination form on 7/22/11
6. 1948 Individual with PoA signed service declination form on 4/27/11
7. 2276 Individual signed service declination form 7/27/11
8. 2315 Guardian signed service declination form 6/20/11
9. 2543 Individual signed service declination form 7/6/11
10. 2654 Individual signed service declination form 8/10/11
11. 2813 Individual signed service declination form 10/11/11
12. 2980 Guardian sent letter to Eligibility requesting closure of DDW app 10/28/10
13. 3052 Individual signed service declination form 7/28/11
14. 3594 Guardian signed service declination form 8/3/11
15. 4352 Individual signed service declination form 7/27/11
16. 5043 Individual signed service declination form 8/17/11
17. 5763 Guardian signed service declination form 3/19/12
18. 6107 Individual signed service declination form 4/21/11
19. 6425 Individual signed service declination form 8/2/11
20. 7455 Individual signed service declination form 9/22/11

"Do Not Contact"

1. 1153 Individual signed Do Not Contact form on 1/19/11
2. 3666 Tribal guardian signed Do Not Contact form on 3/21/11
3. 4739 Guardian signed Do Not Contact form on 4/4/11
4. 4772 Individual signed Do Not Contact form on 2/24/11

"Unable to Locate"

1. 1625 Last contact 5/3/11 by telephone individual would not give current address. Attempts to contact since that time have been unsuccessful.

"Individual Requested Closure of Recommendation/Individual and Supports Not Interested in DD Waiver Services"

1. 2618 Individual and sister signed Service Declination form 9/29/11
2. 6590 CSI sent DDW application to intake and eligibility; TEASC application mailed on 3/21/12
3. 8093 Individual states he is not interested in DDW services.

"TEASC"

1. 1235 Match for services 1/7/2012
2. 2882 TEASC evaluation scheduled for 3/22/12
3. 5177 TEASC evaluation to be scheduled
4. 5837 Individual refuses to set TEASC appointment for evaluation
5. 9205 TEASC evaluation scheduled for 3/29/12
6. 9815 TEASC evaluation scheduled for 4/26/12

"No Match for Services for Other Reasons"

1. 1422 (allocation on hold as of 1/19/05) Allocation on hold at individual's request.
2. 1987 (need app packet, dx info, individual not currently eligible for DDW or PCO services) Individual is currently incarcerated
3. 4426 (no match) Eligibility determined no match for DDW services
4. 8017 Documents submitted on 3/26/12 to Eligibility to support application

Subsection (D)

Information has been updated from the comprehensive letter submitted by Gabrielle Sanchez-Sandoval, Acting General Counsel to John Hall dated November 2, 2011 (Attachment 5). Please note that the application MAD075 is now referred to as MAD379. In response to questions based upon the January 24, 2012 DDW Report, information on each individual follows, as requested:

"Now pursing PCO"

1. 2610 Receiving PCO
2. 4259 Delivered MAD 379 on 12/16/11; individual assessed by Columbus 3/2012; DNC signed 3/26/2012
3. 5601 CSI delivered MAD 379 to guardian on 11/29/11
4. 6407 Individual signed DNC 3/22/11
5. 6876 CSI delivered MAD 379 to individual on 9/9/11; CSI to support physician contact; multiple attempts by CSI to contact in March were unsuccessful

"Pending MAD 075 per Molina"

1. 6590 MAD 379 submitted by Guardian; CSI faxed MAD 379 to Molina on 3/21/12 to initiate PCO services
2. 9446 Individual states no interest in PCO services at this time

"Denied"

1. 1030 Not eligible for PCO
2. 1625 Not eligible for PCO

"Unable to Locate per Evercare"

1. 2618 MAD 379 delivered to home on 9/29/11; multiple attempts by CSI to contact have been unsuccessful

"Do Not Contact"

1. 2842 Individual signed Do Not Contact form on 3/1/11
2. 4772 Individual signed Do Not Contact form on 2/24/11
3. 6626 Individual signed Do Not Contact form on 3/23/11

"Declined Service"

1. 1046 Individual signed Service Declination Form 1/11/12
2. 1498 Individual signed Service Declination Form 4/26/11
3. 2059 Individual signed Service Declination Form 8/17/11
4. 2398 Individual signed Service Declination Form 8/3/11
5. 2503 Individual signed Service Declination Form 4/28/11
6. 2785 Individual signed Service Declination Form 8/8/11
7. 3052 Individual signed Service Declination Form 7/28/11
8. 3160 Individual and PoA signed Service Declination Form 7/28/11
9. 4426 Individual verbally declined to CSI 4/6/11
10. 5043 Individual signed Service Declination Form 7/6/11
11. 5837 Individual signed Service Declination Form 7/30/11
12. 6749 Individual signed Service Declination Form 9/9/11
13. 7495 Individual signed Do Not Contact 3/14/11
14. 8249 Individual and PoA signed Service Declination Form 7/28/11
15. 8624 Individual signed Service Declination Form 9/26/11
16. 8787 Individual signed Service Declination Form 4/27/11
17. 9074 Guardian and Individual signed Service Declination Form 7/26/11

Subsection (E)
In response to your questions based upon the January 24, 2012 CSI Visitation Compliance Report, information regarding each individual follows:

"Unable to Locate"

1. 1625 Last contact 5/3/11 by telephone, individual would not give current address. Attempts to contact since that time have been unsuccessful. Six attempted phone contacts; messages left each time. CSI contact information left at son's home. Most recent telephone contact attempt on 3/6/2012; message left with CSI contact information. Individual receives SSI with son's mailing address.
2. 2416 Multiple attempts to contact; no one will answer the door. CSI contact information has been left multiple times. Receives PCO and SSI.
3. 3018 Individual was seen by CSI in March 2012; re-referred to Columbus for assessment.
4. 4666 CSI has not been able to contact this individual. Attempts by RCI to locate have been unsuccessful.
5. 4689 Attempts by CSI to contact individual at last known address unsuccessful throughout 2011; phone contacts and letter sent 6/2011. CSI made face-to-face contact with individual in October 2011 and again in January 2012.
6. 6209 Multiple attempts to contact; no one will answer the door; CSI contact information left at the door, attempt on 8/24/2011 mailbox labeled vacant.
7. 7784 During attempted home visit on January 21, 2011, the home was boarded up and vacant. On January 28, 2011, RCI located individual. All attempts by CSI to contact have been unsuccessful. CSI contact information left at the home. Referred again to RCI to locate. Individual signed DNC; received by RCI.

Of the seven individual's listed above, three were assessed by Columbus, one was referred to Columbus for assessment, but Columbus was unable to make contact with the individual, and one individual refused the assessment. The Department recognizes that an individual's life is not static, and for that reason the CSI workers continue to attempt to make contact with individuals for whom they have contact information, even though attempts at contact have been unsuccessful. The Department continues to respect an individual's right to accept or decline a service or assistance, until the individual has been formally declared to lack capacity.

"Do Not Contact"

Plaintiffs' counsel asks "for 25 individuals, Do Not Contact" information. This appears to be the same list submitted by Plaintiffs' counsel under "Affidavit" supra.

For each individual on the January 24, 2012 CSI Visitation Compliance Report identified as "Do Not Contact" (DNC) the updated CSI visitation report for the month of March 2012 indicates the date on which the individual (or the guardian if appropriate) signed the DNC form. If any refusals were made by the individual's guardian, a list of those individuals was sent to Disability Rights of New Mexico in accordance with paragraph 3(f) of the Settlement Outline. The Department continues to respect an individual's right to accept or decline a service or assistance, until the individual has been formally declared to lack capacity. In response to your questions based upon the January 24, 2012 CSI Visitation Compliance Report, information regarding each individual follows:

1. 210 Family has requested that CSI not initiate contact, but will contact CSI if and when they need assistance.
2. 1153 Individual signed DNC on 1/19/2011 received by CSI worker.
3. 1723 Individual signed DNC on 3/7/2011 received by CSI.
4. 2474 Individual and family states he does not want contact from CSI.
5. 2842 Individual signed DNC on 3/1/2011 received by CSI.
6. 3115 Individual signed DNC on 6/28/2011 received by CSI.
7. 3160 Individual signed DNC on 3/30/2011 received by CSI.
8. 3509 Individual verbally requested DNC on 6/27/2011.
9. 3666 Guardian signed DNC 3/21/2011 received by CSI.
10. 4426 Individual verbally requested DNC received 5/26/2011 by RCI.
11. 4739 Guardian signed DNC 4/4/2011, received by CSI.
12. 4772 Individual signed DNC on 2/24/2011 received by CSI.
13. 5599 Guardian signed DNC on 2/28/2011 received by CSI.
14. 6132 Individual signed DNC on 11/26/2010 received by CSI.
15. 6407 Individual signed DNC on 3/22/2011.
16. 6533 Individual signed DNC on 2/28/2011 received by CSI.
17. 6598 Individual verbally requested DNC on 3/16/2011 to CSI.
18. 6626 Individual signed DNC on 3/23/2011.
19. 6655 Individual signed DNC 2/24/2011 received by CSI.
20. 7495 Individual signed DNC 3/14/2011 received by CSI.
21. 7882 Individual signed DNC 10/24/2011 received by CSI.
22. 8000 Individual and proposed guardian signed DNC 3/22/2011.
23. 8249 Individual signed DNC on 3/30/2011 received by CSI.
24. 8860 Individual signed DNC on 6/7/2011 received by RCI.
25. 9926 Individual signed DNC on 2/18/2011 received by CSI worker.

"Other"

Plaintiffs' counsel allege that seven (7) individuals did not receive the level of CSI visitation required by the Agreement.

The Department respects the rights of individuals and families to decline visitation or request specific scheduling of visits. This information is included in the monthly Service Status Reports.

For seven (7) individuals, the following information is in response to your request for explanation in greater detail why these individuals have not received quarterly visitation by CSI:

1. 2212 (family does not want quarterly visits, and wishes to contact CSI if need something)
2. 2398 (family requested one visit per year)
3. 3366 (Individual stated over the phone that he wants no contact with the State; DNC mailed to individual, but no response)
4. 4427 (Individual requested two visits per year; seen 9/15/11; scheduled to be seen in March, 2012; phone contact made 3/19/2012, individual requested the visit be made at a later date)
5. 6719 (Seen 9/09/11; individual requests CSI visit one time per year)
6. 8012 (family requests email contact only)
7. 8093 (Seen 3/9/12; individual is inconsistent with permitting CSI to assist; CSI has contact with caregiver)

Subsection (F)

In response to your questions based upon the January 24, 2012 Healthcare Decision-Maker Report, information regarding each individual follows. Each of these 8 individuals is already on the DD Waiver. CSI submitted a Request for Regional Office Intervention (RORI) with a request that the Columbus recommendation be discussed by the team. When the Regional Office received the information below, the Regional Office closed the Recommendation per RORI policy.

1. 1265W Individual signed PoA appointing sister
2. 2296W IDT currently pursuing guardianship for individual
3. 3539W IDT met and identified HCDM
4. 5972W Individual has identified brother and aunt as HCDM
5. 6498W IDT met and identified HCDM
6. 7536W Individual's sister has been identified as HCDM, alternate is brother HCDM
7. 7951W 4/26/11 IDT minutes received addressing IDT's desire to invoke UHCDM if needs should arise
8. 8677W Individual has identified brother and aunt as HCDM

Subsection (G)

In response to your questions based upon the January 24, 2012 Power of Attorney Report, information regarding each individual follows. In response to your questions based upon the January 24, 2012 Power of Attorney Report, information regarding each individual follows. Each of these 8 individuals is already on the DD Waiver. CSI submitted a Request for Regional Office Intervention (RORI) with a request that the Columbus recommendation be discussed by the team. When the Regional Office received the information below, the Regional Office closed the Recommendation per RORI policy.

1. 1265W Sister is PoA for individual
2. 7951W IDT met and declined PoA and decided to invoke UHCDM Act if needs should arise
3. 8224W Mother is PoA for individual

"Service Declination form signed"

The Department continues to respect an individual's right to accept or decline a service or assistance, until the individual has been formally declared to lack capacity.

1. 2337 Individual signed Service Declination Form 6/8/11
2. 2358 Guardian signed Service Declination Form 4/28/11
3. 7676 Individual signed Service Declination Form 6/10/11
4. 8276 Individual signed Service Declination Form 6/8/11

V. INADEQUACY OF CSI SUPPORTS

Plaintiffs' counsel allege that CSI personnel are not providing the needed level of assistance to each eligible individual, that many individuals are experiencing difficulties obtaining or maintaining their public benefits such as PCO or DD Waiver or D&E Waiver services, and that others are having difficulties with their medical care and/or with managing their financial affairs.

The Department continues to respect an individual's right to accept or decline a service or assistance, until the individual has been formally declared to lack capacity. Section 3(d) of the Settlement Agreement provides that individuals will be referred by CSI workers to the appropriate agency or program for processing *in accordance with the program guidelines, eligibility, criteria and available funding, subject to the agency's respective statutory and regulatory responsibilities (italics added)*. During the meeting with Peter Cubra and John Hall on 3/2/2012, DDSD Director Cathy Stevenson informed Plaintiffs' counsel that CSI workers would continue to assist individuals in applying for services for which they may be eligible, but CSI workers would not engage in advocacy on behalf of individuals.

During the meeting with Peter Cubra and John Hall on 3/2/2012, DDSD Director Cathy Stevenson informed Plaintiffs' counsel that the CSI workers had been reorganized and were now reporting to supervisors in their geographical area, such as a DDSD Regional Office manager, or to other DDSD leadership who could provide guidance if any questions arose in the final completion of the Settlement Agreement tasks. The detail of each individual CSI worker's chain of command is available as public record. A list of each CSI worker and respective supervisor is included in this formal response to your letter of February 10, 2012, as follows:

CSI	Supervisor
Dave Doyle	Chris Futey
Angela Pacheco	Charlene Cain
Steve Coca	Roberta Duran
Doug Baker	Scott Doan
Sarah Humbard	Phil Moskal
Kathy Baker	Kathleen Linnehan
Shadee Brown	Kathleen Linnehan

VI. NAMES OF 101 INDIVIDUALS

As summarized in Defendants' letter to Plaintiffs' counsel on March 26, 2012, the parties discussed Plaintiffs' counsel request for the names of the 101 individuals who are the subject of the February 10, 2012, letter and currently identified by their unique identifiers, so that Plaintiffs' counsel can "assure themselves" that each individual is receiving the benefits available under the Settlement Agreement. The common goal of both parties, to provide the eligible individuals with the benefits of the Settlement Agreement, was acknowledged, as well as the fact that the individuals visited by Plaintiffs' counsel and the Defendants' agents might not always respond in the same way to the same question. The lives of the individuals are not static, and both needs and desires may change for any number of reasons. The futility of having the parties visit at different times, resulting in different responses, was acknowledged, and Defendants suggested that joint visits might be the most expeditious means of ending the cycle of disparate responses. Plaintiffs' counsel suggested that Defendants enter into an Order similar to the one executed by the DDPC to effectuate the provision of names of individuals for whom Plaintiffs' counsel does not have an effective release of information, and provided Defendants with a copy of the DDPC / Plaintiff Stipulated Protective Order Regarding Confidentiality dated July 15, 2011.

Defense counsel has reviewed the Order and determined that the terms of this document provide redundant reassurances as to the confidentiality of the protected health information of the individuals who would be impacted. As the Order notes, this information is currently protected by the Health Insurance Portability and Accountability Act of 1996. The assurances that the confidential information will not be used for any purposes other than "this litigation" and agreeing to "destroy or return all confidential information within 90 days of the conclusion of the litigation" overlooks the fact that the litigation was concluded in March 2010.

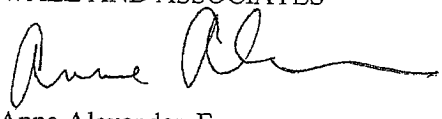
While Defendants understand that both parties have the common goal of offering services to the former residents of the State facilities, divulging the names, locations and protected health information of any individuals who are not represented by Plaintiffs' counsel would violate their federally protected privacy, substantially exceed the terms of the Settlement Agreement, and possibly interfere with the effective relationships established by the CSI workers with many of these individuals over the past several years.

VII. ADDITIONS TO SERVICE STATUS REPORTS

As a result of the thorough review performed by Defendants, individuals who did not previously appear on some of the service status reports are now reported on the updated service status reports. Defendants are confident that although the individuals did not appear on the previous reports, this was an inadvertent error. These individuals are clearly identified on each report.

Sincerely,

WALZ AND ASSOCIATES



Anne Alexander, Esq.
Kathyleen Kunkel, Esq.

ATA/KMK/sch
Attachment(s): As stated.

cc via email with attachments:

Gabrielle Sanchez-Sandoval, DOH Acting General Counsel
Peggy Jeffers, Esq.
Cathy Stevenson, Director of DDSD
Jerry A. Walz, Esq.
Rachel Higgins, Esq.
Nancy Simmons, Esq.
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(505) 256-7641

February 10, 2012

VIA EMAIL: Gabrielle.SanchezSandoval@state.nm.us
Peggy.Jeffers@state.nm.us

J. Gabrielle Sanchez-Sandoval
Acting General Counsel, DOH
1190 St. Francis Dr., Room N4095
Santa Fe, NM 87502-6110

Peggy Jeffers
General Counsel, ALTSD
2550 Cerrillos Rd.
Santa Fe, NM 87505

Re: *JM v. NM DOH*, NO. CV-07-604 RB/ACT

Dear Ms. Sanchez-Sandoval and Ms. Jeffers:

We are writing to you to ask the Departments of Health (DOH) and Aging and Long Term Services (ALTSD) to promptly address Plaintiffs' ongoing concerns regarding Defendants' apparent failure to fully comply, over a year later, with the Arbitrator's most recent Orders, dated November 11, 2010 and January 20, 2011 (Sections I-V, below). In light of these failures, and related directly to them, we also by this letter make a new request to Defendants (Section VI, below).

As we have stated in emails and discussed during our last meeting regarding these issues, a number of individuals have died since the last arbitration before they received the full benefits to which they were entitled under the Agreement. For example, in the spring of 2011, Clara Davidson and Gilbert Sanchez died. Then, in September of 2011, we learned on a visit to Santa Rosa that Emmitt Armijo had died two and a half months earlier. When we informed DOH of his death, DOH personnel told us that this was the first they had learned of his death.

More people will die without receiving the benefits to which they are entitled under the Agreement if we do not move expeditiously to help them. Just days ago we spoke to Imelda Garcia (505-466-1577, 1 Lucero Rd., Santa Fe, NM 87508), the sister and guardian of Gerald Garcia, who was discharged from Los Lunas Hospital and Training School on June 8, 1979. Although Gerald received an AgePlan interview in 2008 and one follow-up visit by Steve Coca in 2009, his sister states that, since that time, Gerald has not been evaluated by Columbus and has not been visited by DOH or CSI.

However, not only is DOH allowing eligible individuals to fall through the cracks, but DOH's actions and failure to provide us with additional information on these individuals have frustrated our attempts to help these individuals receive all of the benefits to which they are entitled under the Agreement. For example, on December 29, 2011, we attempted to speak with Joanna Gutierrez, who is enrolled with Santa Maria El Mirador. SMEM's Program Director, reportedly based in part upon advice by DOH's Bert Dennis, refused to provide us access to Ms. Gutierrez.

We hope to meet with DOH and ALTSD as soon as the legislative session is over to discuss our concerns and to see if we can resolve them without resorting to further arbitration.

I. THIRD REPORT

It appears that Defendants have failed to comply with the following provision on page 4 of the Arbitrator's January 20, 2011 Order:

> 9. By no later than 30 days from the effective date of this Order, Defendants shall prepare and provide to Plaintiffs' counsel a third report that includes the following information:
> A. With regard to each of Defendants' CSI personnel,
> i. Provide a list of the recommendations from Columbus for each individual on the caseload;
> ii. Identify the actions taken to facilitate the application for the programs and services which were recommended by Columbus in "I" above;
> iii. List any other actions taken on behalf of the individual; and
> iv. Arrange for an appropriate Power of Attorney to be established for each client identified by Columbus as needing a Power of Attorney, including whether they have discussed this subject with the client, whether an appropriate person to serve as the Power of Attorney has been identified, whether the appropriate forms have been provided to the client, and whether the client refused any part of this process.

We have reviewed our files and correspondence with DOH, and it does not appear that DOH has provided us with this third report.

II. RELEASE OF DOCUMENTS

It appears that Defendants have failed to comply with the following provision on page 2 of the Arbitrator's November 11, 2010 Order:

> 1. The New Mexico Department of Health shall provide to Plaintiffs' counsel any documents sought by a release within thirty (30) days of receipt of the release."

During our March 22, 2011 meeting with DOH, we asked that DOH provide us with additional documents for people for whom we have already provided DOH with signed releases. We put this request in writing on March 23, and followed up with further inquiries on April 27, May 22, and July 26, 2011. DOH did not respond at all until July 27, and has still never provided these additional requested documents.

For each of the individuals for whom we have provided a signed release, we requested, and again request, the following:

- A copy of all CSI records and documents (i.e. notes, narratives, documentation, logs) created since the original, and only, production of the same to us by DOH;
- A copy of any TEASC or other evaluation in DOH's possession;
- A copy of each person's entire eligibility file; and
- A copy of all Training School records in DOH's possession, including those stored at the State's Records Archives.

By what date will DOH provide this additional documentation?

III. AFFIDAVIT

It appears that Defendants have not fully complied with the following provision on page 2 of the Arbitrator's November 11, 2010 Order:

> 2. Exhibit A to the status report dated November 1, 2010 names certain individuals who have either refused to be contacted or have on file instructions to not be contacted... Paragraph 5 of the Settlement Outline dated January 8, 2010 (Kunkel Changes 5:16 L.M.) states as follows:
>
> > Former residents will receive written and oral notice of the Agreement. After receiving such notice, individuals may decline to receive the benefits of this Agreement if an Agent of the State Agency Defendants has already documented in writing that any former resident has explicitly requested that they not be contacted again by the State Agency Defendants.
>
> The New Mexico Department of Health shall provide an affidavit to Plaintiffs' counsel and the Arbitrator within thirty (30) days of this order, verifying that it has confirmed and has documented in writing on file, an explicit refusal to be contacted by the State Agency Defendants by those individuals so noted on Exhibit A.

As noted in Exhibit A to the November 1, 2010 status report, 41 individuals allegedly refused in some manner to be contacted, consisting of 13 "Do Not Contact On File, 10 "Individual Refused," and 18 "Guardian Refused" (see Appendix A, § III). DOH provided us with an affidavit by Bert Dennis. Unfortunately, Ms. Dennis' affidavit only addressed 14 of these 41 alleged refusals, failing to address nine of those individuals listed as "Individual Refused" and all 18 of those individuals listed as "Guardian Refused." The affidavit did not specify who told which DOH official on what date that they wanted no further contact and what DOH did to determine whether the persons who purportedly spoke on behalf of an individual had the authority pursuant to a court order to speak for the individual. We asked for a meeting with DOH, including Bert Dennis, to have DOH explain the affidavit to us, but DOH has not agreed to this meeting.

The January 24, 2012 CSI Visitation Compliance Report lists 25 individuals as Do Not Contact (see Appendix A, § 3). We request the identities of all of these individuals, as well as the information we have previously requested; who told which DOH official on what date that they wanted no further contact; and what DOH did to determine whether the persons who purportedly spoke on behalf of an individual had the authority pursuant to a court order to speak for the individual.

If Defendants are unwilling to have the requested meeting, we ask that DOH provide us with a new affidavit that addresses all of the deficiencies in the first affidavit, and provides all such information regarding all 25 individuals identified in the January 24, 2012 CSI Report. We request specifically that this new affidavit answer at least the following:

- On what date was the individual informed orally and in writing about the Agreement?
- On what date was a refusal to be contacted provided?
- Who received this information?
- Who indicated, and in what manner, that the individual refused to be contacted, and what is their authority and legal relationship to the individual?
- If any refusals were made by the individual's guardian, what was done to ensure that the appointment of any such guardian was not facilitated by DOH, in compliance with paragraph 3(f) of the Settlement Outline ("Columbus will not defer to a decision to decline services by a guardian whose appointment was facilitated by DOH (conflict of interest) but shall instead refer such cases for consideration whether to challenge the guardian's decision to Disability Rights of New Mexico.")?

IV. MONTHLY REPORTS

It appears that Defendants have failed to comply with the following provision on pages 2-3 of the Arbitrator's January 20, 2011 Order:

> 6. By no later than 15 days from the effective date of this Order, Defendants shall prepare and provide to Plaintiffs' counsel a second report describing the status of the PCO and Waiver application process for every person identified by Columbus as eligible for a Waiver, including what Defendants have done, and plan to do, to get the necessary documentation to support such applications. Beginning thirty (30) days from the effective date of this Order, Defendants will then report to Plaintiffs' counsel each month what progress has been made on those applications."

Beginning in March 2011, DOH has provided to Plaintiffs' counsel just five "monthly updated reports submitted by the Department of Health as ordered by Arbitration": DDW Report; PCO Report; POA Report; HCDM Report; and CSI Visit Compliance Report.

Substantively, we are also concerned that DOH is not fully complying with paragraph 3(c) of the Agreement: "DOH shall be responsible for gathering the documents necessary to support the application for services for any individual needing such applications to be processed. Applications shall be processed promptly." The questions that follow arise from the most recent production of these five reports in January 2012.

Subsection A

Based upon the January 24, 2012 DDW and PCO Reports, 21 individuals received a DD Waiver referral but not a PCO referral (see Appendix A, § IV(A)). According to paragraph 3(c) of the Agreement, everyone who receives Waiver referral also receives a PCO referral ("In the event Columbus determines that a person appears eligible for a Waiver program, Columbus will initiate applications for those Waiver services on the behalf of each person and will simultaneously apply for PCO services. The State Defendants will promptly process all applications initiated by Columbus.")

If these 21 individuals received a DD Waiver referral, why did each of them not also receive a PCO referral?

Subsection B

Based upon the January 24, 2012 DDW and PCO Reports, 24 individuals received a PCO referral but not a DD Waiver referral (see Appendix A, § IV(B)). In light of the passage from the Agreement cited above in Subsection A, if these 24 individuals received a PCO referral, why did each of them not also receive a DD Waiver referral?

Subsection C

Based upon the January 24, 2012 DDW Report, of 69 total referrals (see Appendix A, § IV(C)):

- For 20 individuals, "Declined Service"
  - Who declined service, when, to whom, and by what authority? For example, we understand that DOH determined that Josie Pena ostensibly declined DD Waiver services, but it appears that Mary Evans declined on Josie's behalf, although Ms. Evans had no authority to do so.
- For 4 individuals, "Do Not Contact"
  - Who refused contact, when, to whom, and by what authority?
- For 1 individual, "Unable to Locate"
  - What methods were attempted to locate this individual? Please provide us with this individual's information so that we can attempt to locate her/him.
- For 3 individuals, "Individual Requested Closure of Recommendation / Individual and Supports Not Interested in DD Waiver Services"
  - Who requested closure or expressed a lack of interest, when, to whom, and by what authority?
- For 6 individuals, referral for a TEASC assessment
  - Who made the referral, when was it made, when did TEASC perform the assessment, and when was the DD Waiver application packet completed?
- For 4 individuals, no match for services for other reasons
  - Please explain in greater detail why these individuals failed to obtain a match.

Subsection D

Based upon the January 24, 2012 PCO Report, of 45 total referrals (see Appendix A, § IV(D)):

- For 5 individuals, "Now pursuing PCO"
  - Who is pursuing PCO services, what is being done, when can the individual expect to begin receiving services, and why have the services not begun?
- For 2 individuals, "Pending MAD 075 per Molina"
  - Please explain.
- For 2 individuals, "Denied"
  - When were PCO services denied, by whom and on what basis?
- For 1 individual, "Unable to Locate per Evercare"
  - What methods were attempted to locate this individual? Please provide us with this individual's information so that we can attempt to locate her/him.
- For 3 individuals, "Do Not Contact"
  - Who refused contact, when, to whom, and by what authority?
- For 17 individuals, "Declined Service"
  - Who declined service, when, to whom, and by what authority?

Section E

Based upon the January 24, 2012 CSI Visitation Compliance Report (see Appendix A, § IV(E)):

- For 7 individuals, "Unable to Locate"
  - What was attempted?
  - Will you give us their information so that we can try as well?
- For 25 individuals, "Do Not Contact"
  - Who said this, when, to whom, and by what authority?
- For 7 individuals, no CSI Visitation according to the requirements of the Agreement for other reasons
  - Please explain in greater detail why these individuals did not receive the level of CSI visitation required by the Agreement.

Section F

Based upon the January 24, 2012 Healthcare Decision-Maker Report, of 21 total referrals (see Appendix A, § IV(F)):

- For 8 individuals, "Closed by Regional Office [Date]"
  - What does this mean, who made the determination, and on what basis was the determination made?

Section G

Based upon the January 24, 2012 Power of Attorney Report, of 11 total referrals (see Appendix A, § IV(G)):

- For 3 individuals, "Closed by Regional Office [date]"

  - What does this mean, who made the determination, and on what basis was the determination made?
- For 4 individuals, "Service Declination form signed on [date]"
  - Who declined service, to whom, and by what authority?

V. INADEQUACY OF CSI SUPPORTS

Section 3(d) of our Settlement Agreement provides:

> d. Every former resident who is not receiving services through Waiver program will be offered assistance from the DOH Community Services Integration project. If the results of the screening and assessment above identifies other services a former resident may need, they will be referred by CSI workers to the appropriate agency or program for processing in accordance with the program guidelines, eligibility, criteria and available funding, subject to the agency's respective statutory and regulatory responsibilities. There shall be a minimum frequency of visits to each person served by CSI and a maximum caseload per CSI worker. The minimum visits shall be once every quarter for people receiving PCO or ICF/MR services; for others, it shall be more frequently as needed.

Unfortunately, it appears that CSI personnel are not providing the needed level of assistance to each eligible individual. Many individuals are experiencing difficulties obtaining or maintaining their public benefits such as PCO or DD Waiver or D&E Waiver services. Others are having difficulties with their medial care and/or with managing their financial affairs. We had explicitly stated as part of our mediation that we were relying on CSI workers to provide people with the functional equivalent of DD Waiver case management services while they were without recommended services. However, it appears that some CSI workers may be spending most of their time arranging for their visits, driving between individuals' residences, and completing reports documenting their visits. Additionally, it seems clear that individuals whose difficult circumstances necessitate more frequent visits than quarterly are not getting visited as needed.

We want to discuss how to improve the efficacy of, and intensity of, the work of CSI workers.

VI. NAMES OF 101 INDIVIDUALS

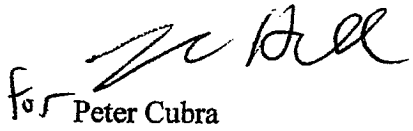
In the course of this litigation we have received over a million pdfs and pieces of paper pertaining to the individuals in the putative class. We have made physical contact with many of these individuals, and we know the stories of many more of them. And, based upon what we have learned from and about these individuals, coupled with what we can piece together from DOH's monthly reports, we cannot be confident that each of these individuals is receiving the full benefits of the Agreement.

As to each of the one hundred and one (101) individuals, indentified by their unique identifier, about whom we have expressed a concern(s) in this letter (see Appendix A, § VI), please provide us with their names so that we can review the records and other information we have regarding them to assure ourselves that each individual is receiving the benefits to which they are entitled under the

Agreement. The DDPC entered into such an order and provided us with the information we needed regarding individuals about whom we had concerns. Your agencies can easily do the same.

In the event that we cannot resolve these issues by the end of February, we will initiate another arbitration proceeding. We want to put Defendants on notice that, if we must initiate another arbitration, we will seek an order from the Arbitrator ordering Defendants to compensate us for our legal work enforcing the Arbitrator's orders.

Very truly yours,



for Peter Cubra

cc via electronic mail:

Kunkel, Kathyleen (kathy_kunkel@walzandassociates.com)
Anne Alexander (AAlexander@walzandassociates.com)
Jerry Walz (jerryawalz@walzandassociates.com)
Rachel Higgins (rachelhigginsjd@gmail.com)
Nancy Simmons (nlsimmons@swcp.com)
Charles Peifer (cpeifer@peiferlaw.com)
Cecelia Nunez (cnunez@peiferlaw.com)

APPENDIX A

III. AFFIDAVIT

"Do Not Contact On File" in Exhibit A to 11/01/10 Status Report

1. Emmitt Armijo
2. Henrietta Cailouette
3. Juanita Chacon
4. Clara Davidson
5. Darryl Hooper
6. Maria Juarez-Hipp
7. Marian J. Mumma
8. Virginia Northe-Scarberry
9. Geraldine D. Padilla
10. Larry R. Padilla
11. Joseph Paiz
12. Eva Trujillo
13. Telesfor Vallejos

"Individual Refused" in Exhibit A to 11/01/10 Status Report

1. Joseph P. Chavez
2. Martin Duarte
3. Karen Erdman
4. Anthony Farnsworth-Garcia
5. Robert Flores
6. Larry Givens
7. Santos Martinez
8. Richard Romero
9. Frank Saavedra
10. Barbara Sanchez

"Gd Refused" in Exhibit A to 11/01/10 Status Report

1. Linda Lou Baca
2. Erica Dickens
3. Pamela J. Edwards
4. Jerry Gallegos
5. Christopher Hamilton
6. Rose Hepner
7. Richard Jaramillo
8. Terry N. Jones
9. Jasper Jumbo
10. Lenora M. King
11. Marie Marchbanks
12. Sidney McGee

13. Matthew Montoya
14. Cheryl D. Pack
15. Nancy D. Rotuno
16. Bruce Sherwood
17. Marcella J. Stromberg
18. Sharon Thompson

"Do Not Contact" in 12/22/11 CSI Visitation Compliance Report

1. 210
2. 1153
3. 1723
4. 2474
5. 2842
6. 3115
7. 3160
8. 3509
9. 3666
10. 4426
11. 4739
12. 4772
13. 5599
14. 6132
15. 6407
16. 6533
17. 6598
18. 6626
19. 6655
20. 7495
21. 7882
22. 8000
23. 8249
24. 8860
25. 9926

IV. MONTHLY REPORTS

(A)

1. 1206
2. 1235
3. 1267
4. 1689
5. 1925
6. 1987
7. 2276

8. 2543
9. 2813
10. 2980
11. 3204
12. 3867
13. 3904
14. 4587
15. 5177
16. 5763
17. 6107
18. 7777
19. 8017
20. 8093
21. 9205

(B)

1. 1498
2. 1620
3. 1986
4. 2398
5. 2474
6. 2503
7. 2610
8. 2785
9. 2842
10. 3018
11. 3160
12. 4259
13. 5017
14. 6407
15. 6626
16. 6749
17. 6876
18. 7495
19. 7536
20. 8249
21. 8787
22. 8974
23. 9446
24. 9734

(C)

"Declined Service"

1. 1206
2. 1267
3. 1870
4. 1920
5. 1925
6. 1948
7. 2276
8. 2315
9. 2543
10. 2654
11. 2813
12. 2980
13. 3052
14. 3594
15. 4352
16. 5043
17. 5763
18. 6107
19. 6425
20. 7455

"Do Not Contact"

1. 1153
2. 3666
3. 4739
4. 4772

"Unable to Locate"

1. 1625

"Individual Requested Closure of Recommendation / Individual and Supports Not Interested in DD Waiver Services"

1. 2618
2. 6590
3. 8093

"TEASC"

1. 1235 (DDW app packet at eligibility, individual has been assessed by TEASC)
2. 2882 (referred to TEASC, app packet completed)
3. 5177 (needs psych eval, CSI working on scheduling app with TEASC)
4. 5837 (referred to TEASC, obtained TEASC app packet on 8/22/11)

5. 9205 (referred to TEASC, app packet completed)
6. 9815 (referred to TEASC, needs psych eval, app packet completed)

Other

1. 1422 (allocation on hold as of 1/19/05)
2. 1987 (need app packet, dx info, individual not currently eligible for DDW or PCO services, CSI will follow-up as soon as situation changes)
3. 4426 (no match)
4. 8017 (need app packet, dx info, supports need to produce docs)

(D)

"Now pursuing PCO"

1. 2610
2. 4259
3. 5601
4. 6407
5. 6876

"Pending MAD 075 per Molina"

1. 6590
2. 9446

"Denied"

1. 1030
2. 1625

"Unable to Locate per Evercare"

1. 2618

"Do Not Contact"

1. 2842
2. 4772
3. 6626

"Declined Service"

1. 1046
2. 1498
3. 2059
4. 2398
5. 2503
6. 2785
7. 3052
8. 3160

9. 4426
10. 5043
11. 5837
12. 6749
13. 7495
14. 8249
15. 8624
16. 8787
17. 9074

(E)

"Unable to Locate"

1. 1625
2. 2416
3. 3018
4. 4666
5. 4689
6. 6209
7. 7784

"Do Not Contact"

1. 210
2. 1153
3. 1723
4. 2474
5. 2842
6. 3115
7. 3160
8. 3509
9. 3666
10. 4426
11. 4739
12. 4772
13. 5599
14. 6132
15. 6407
16. 6533
17. 6598
18. 6626
19. 6655
20. 7495
21. 7882
22. 8000

23. 8249
24. 8860
25. 9926

Other

1. 2212 (family does not want quarterly visits, and wishes to contact CSI if need something)
2. 2398 (family requested one visit per year)
3. 3366 (DNC mailed to individual, but no response)
4. 4427 (seen 9/15; "scheduled to be seen in March 2012")
5. 6719 (individual requests CSI visit one time per year)
6. 8012 (family requests email contact only)
7. 8093 (attempted visits since 2/22, without success)

(F)

1. 1265W
2. 2296W
3. 3539W
4. 5972W
5. 6498W
6. 7536W
7. 7951W
8. 8677W

(G)

"Closed by Regional Office [date]"

1. 1265W
2. 7951W
3. 8224W

"Service Declination form signed on [date]"

1. 2337
2. 2358
3. 7676
4. 8276

VI. NAMES OF 101 INDIVIDUALS

1. 210
2. 1009
3. 1024
4. 1030
5. 1046
6. 1153

7. 1206
8. 1235
9. 1265W
10. 1267
11. 1422
12. 1498
13. 1620
14. 1625
15. 1723
16. 1870
17. 1920
18. 1925
19. 1948
20. 1986
21. 1987
22. 2059
23. 2212
24. 2276
25. 2296W
26. 2315
27. 2337
28. 2358
29. 2398
30. 2416
31. 2451
32. 2474
33. 2503
34. 2543
35. 2610
36. 2618
37. 2654
38. 2785
39. 2813
40. 2842
41. 2980
42. 3018
43. 3052
44. 3115
45. 3160
46. 3204
47. 3366
48. 3509
49. 3594
50. 3666

51. 3867
52. 3904
53. 4259
54. 4352
55. 4426
56. 4427
57. 4587
58. 4666
59. 4689
60. 4739
61. 4772
62. 5017
63. 5043
64. 5177
65. 5599
66. 5601
67. 5763
68. 5837
69. 6107
70. 6132
71. 6407
72. 6498W
73. 6533
74. 6598
75. 6626
76. 6655
77. 6719
78. 6749
79. 6876
80. 7455
81. 7495
82. 7536
83. 7676
84. 7784
85. 7882
86. 8000
87. 8012
88. 8017
89. 8093
90. 8224W
91. 8249
92. 8276
93. 8624
94. 8787

95. 8860
96. 8974
97. 9074
98. 9446
99. 9734
100. 9906
101. 9926