

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

LINDA FREW, et al.
Plaintiffs,

v.

THOMAS SUEHS, et al.
Defendants.

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CIVIL ACTION NO. 3:93cv65
JUDGE RICHARD A. SCHELL

**ORDER REGARDING DEFENDANTS' UNOPPOSED MOTION TO MODIFY
CONSENT DECREE: CHECKUP LETTERS**

Defendants have filed an unopposed motion seeking to modify certain provisions in the Consent Decree that relate to Defendants' written and oral outreach program for Medicaid class members. Defendants request revisions of paragraphs 17, 35, and 42 of the Consent Decree so that they accurately reflect Defendants' proposed changes in the outreach program. Defendants believe that the proposed changes will improve their written and oral communications to class members by eliminating overlapping and potentially confusing messages and by more effectively encouraging class members to follow through with their medical and dental check ups.

Having reviewed Defendants' motion, this Court finds that these changes promote the objectives of the Consent Decree by improving the effectiveness of the message concerning the importance of receiving THSteps medical and dental check ups when they become due, and reducing confusion among parents and caretakers. Defendants have discussed the proposed changes with Plaintiffs' counsel and the parties have reached agreement on them. Moreover, the Court finds that a fairness hearing is not required, and orders the following changes to the Consent Decree:

I. Modification of Section 17

The second paragraph of section 17 of the Consent Decree will be replaced with the following language:

17. WRITTEN MATERIALS.

Due Letters. For each class member age three and over, Defendants agree to mail a letter to each class member who is about to be due for a medical and/or dental checkup. Defendants will mail the letter during the month that the checkup is due. Defendants will mail each class member under age three a letter at least every six months. The letter will explain the frequency of medical checkups the class member should have. Defendants will mail a letter to each infant about the first dental checkup two months before the checkup is due.

II. Modifications of Section 35

Section 35 of the Consent Decree will be replaced with the following language:

35. The Texas Health Steps Outreach Unit will offer oral outreach to each class member, age three years and over, who does not receive a medical checkup that is due according to the current Texas Health Steps periodicity schedule. Each class member under three years of age will receive written offers of oral outreach at age 1 month, 6 months, 12 months, 18 months, 24 months, and 30 months.

III. Modifications of Section 42

Section 42 of the Consent Decree will be replaced with the following language:

42. An outreach letter will be mailed to: 1) each class member who is newly certified; 2) each class member age three years and over for whom no medical check up claim has been received within 150 days of his/her periodic eligibility month; and 3) each class member for whom no dental checkup claim has been received within 150 days of their periodic eligibility month.

Defendants' Unopposed Motion to Modify Consent Decree: Check Up Letters [de #809] is GRANTED.

SIGNED this the 12th day of January, 2011.



RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE