

## *Families Lead Effort to Clarify Care Management for People with Developmental Disabilities and Acquired Brain Disorders*

*August 16, 2013*

Led by families, the law firm of Devine Millimet and Concord attorney John Macintosh today filed a declaratory judgment action in the Hillsborough County Superior Court seeking a ruling that Senate Bill 147, Laws of 2011, requiring the Department of Health and Human Services (DHHS) to develop a managed care program for administering the state's Medicaid services, does not include long term care services for people with developmental disabilities or acquired brain disorders served by New Hampshire's developmental services system. A declaratory judgment is the legal determination by a court as to the legal position of plaintiffs in cases where there is doubt as to their position in law.

The complaint also seeks a judicial determination that none of the individual plaintiffs are required to participate in managed care programs for these services and that none of the Area Agencies are required to enter into contracts for the provision of long-term managed care services to their Medicaid populations with the three separate managed care organizations that the State Department of Health and Human Services has contracted with to put the Medicaid managed care program into effect.

The first phase of the State's Medicaid managed care program for acute care services was supposed to be operating by July 1, 2012. NH's Medicaid Care Management Operations team confirmed this week that Step 1 of the Medicaid Care Management (MCM) program will commence implementation on December 1, 2013. Medicaid managed care for long term care services is the second phase of the program and cannot start for at least one year after the start of the first phase. Because of this delay, the plaintiffs have sought a declaratory judgment rather than an injunction. If successful, however, this complaint will have the same effect as an injunction against the State.

For more information, contact CSNI's Dotty Treisner at [dtreisner@csni.org](mailto:dtreisner@csni.org).